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No. 2

A HISTORY OF LOCAL GOVERNMENT

THE TOWN AND COUNTY HALL SERIES

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A HISTORY OF LOCAL GOVERNMENT

by

K. B. SMELLIE

Reader in Political Science
at the London School of Economics
and Political Science

London

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CHAPTER I

English Local Government before 1832

THE ordinary citizen knows that his "local authority" provides many services which are necessary in civilised life. These services may be roughly classified as environmental and personal. The former include the protecting of our lives and property by an efficient police and the planning of streets and open spaces in the interests of safety, health and even beauty. The personal services include the schooling of our children, the specialised work of the hospitals for accidents and disease, and, in case of need, the help of the social welfare department. The line between environmental and personal services is not a rigid one. The provision of safety in the streets, clean water in the house, and the wise planning of roads and open spaces are all necessary if the personal service of the local hospital or the local school is not to be stultified. So we may prefer to group local government services into those which are necessary for any kind of communal life and those which, if they were provided, would be sufficient for the best life which it is possible for us to lead. Local government has been established to make life possible; it could be used to make life good.

The ordinary citizen knows that his local council is partly responsible for many services because he has to pay the council a part of their cost in the form of rates every year. He knows too that what his council can and must do is laid down in various Acts of Parliament, and that officials in Whitehall have some say in the way in which the Town or County Hall will do its work. If he is interested in politics, he knows that there is a field of government in which the local councils are free to exercise their own judgment as to how they will act, and that parliament is too busy and too wise not to let local representative bodies do some of the work of government.

He knows that his local council—for which he may vote—has a permanent staff which includes such important persons as the Town Clerk, the Borough Treasurer, and the Borough Engineer, the Medical Officer of Health, and a host of others, including the municipal dustman and the young woman who changes his book at the local library. Should he be interested in any details of this work he quickly finds that the machinery operates within a very complicated framework of law ; that the areas of his particular authority have been laid down by parliament ; that the structure, the powers and the duties of his local council are set out partly in Acts of Parliament and partly in regulations made by civil servants under those acts ; and should he be litigious he will find that the courts of justice are prepared in certain circumstances to settle disputes between him and his local authority and even between his local authority and Whitehall itself.

Modern local government means the carrying out of work as complicated as the planning of towns and the countryside, the cure of infectious diseases, and the education of children, by elected councils, each of which controls some part of a jigsaw pattern of local government areas. Representative government today includes representative local councils for local needs as well as a representative parliament for national services.

All this is obvious enough. What is not so obvious is that the part taken in maintaining that order by elected councils employing local officials, working in accordance with Acts of Parliament and departmental regulations, is almost as recent as the railways. Modern English local government was established to deal with the problems which arose in the middle of the eighteenth century when the use of machinery began to shape the modern world. The essential elements in modern government are a parliament which is an innovating body, ever passing new legislation, designed to make our lives pleasant, reasonable, and long, in a world which shrinks

and twists, as scientific methods penetrate it more and more, and a body of experts who are the skilled servants of the elected power. Local elected bodies are necessary to reduce the congestion at the centre which would otherwise occur. The powers and duties and organisation of local authorities, parliament and Whitehall have grown up together. The division of work among them has been determined by the theory and the practice of public men since 1750. But there has never been a complete sweep of the older methods which had their roots in the simpler conditions of pre-industrial society. The ideas which since the Reform Bill of 1832 have determined the nature of our modern local government were first tried out in experiments initiated within the old system of local government in the eighteenth century.

Before the industrial revolution the essential work of government, apart from national defence, was to secure peace, and to make possible the cultivation of the soil and the exercise by craftsmen of their skill. After 1066 the Norman Kings and their successors kept the peace sufficiently for the local inhabitants everywhere to till the soil and develop whatever crafts they knew. For the cost of a few forts they made possible the villages, the manor houses, the windmills and the few towns and markets which England had before the eighteenth century. The Kings were usually strong enough to prevent civil war between their nobles and to protect agricultural labourers against excessive depredations by the landed gentry. Until the sixteenth century the feudal system prevailed, and feudalism meant a social order in which rights and duties were inextricably bound up with the ownership of land. Fully to describe the changing ownership of land would be to provide a philosophy of history. For our present purposes it is important to notice only four things: (1) There was a hierarchy of powers from the King down to the inhabitant of every parish; (2) the system of parishes provided a network of order which touched the life of every inhabitant; (3) be-

tween the parish and the King there was a system of County government and in each County the representatives of the King were never allowed to become the independent heads of petty kingdoms; (4) certain small towns received special privileges from the King which, in effect, meant that they were excluded from the supervision of the County authorities—these special towns were the Boroughs.

In the Counties which are the oldest and clearest divisions of the country for the work of government, the representatives of the King were never allowed to get out of hand. In 1170, Henry II held an Inquest of Sheriffs, which enquired into their work and removed them all. They were replaced by Exchequer Clerks and other persons of low degree. Local Lords were often allowed to have their own courts and that meant their own administrative system, but the King's justices, "on their circuit" around the country, offered better justice than the local courts, to those who were prepared to pay. There was no "black market" in the scarce commodity of justice because the King could always break the market by offering supplies of a better article. The King's Justices prevented the growth of local tyrannies, whose too great strength might have threatened the unity of the kingdom.

The vital innovation in the development of local government was the appointment, in the 13th century, of Justices of the Peace to maintain law and order in the King's name throughout the countryside. In the middle of the 14th century the economic disturbances caused by the Black Death greatly increased the duties which the Justices of the Peace had to carry out. While the Justices were responsible for law and order in general, they could only do their work by co-operating with the local communities which then existed. These were the parishes or villages in which there was a tradition of local self-government, in the sense that the maintenance of village life—the sowing of the crops, the maintenance of local bridges and footpaths, and the care of straying animals—

was a matter of local self-help. In the 16th century the world we know of nation states and natural science, first took shape. Henry VIII and Elizabeth carried England through the stresses and strains of the agrarian revolution of the 16th century and the political and social repercussions of the Reformation. The Justices of the Peace were brought under the close supervision of the King's Council and the Star Chamber. A great body of new legislation was forced through parliament; the Statute of Bridges, 1530 and 1531; the Highway Acts, 1555 and 1562, made the parishes responsible under the supervision of the Justices of the Peace for bridges and highways; in 1601 the Overseers of every parish were made responsible for the Elizabethan poor law.

In the 17th century the agrarian and commercial interests which the Tudors had led and fostered rebelled against the Stuarts. The Long Parliament abolished the supervisory power of the Star Chamber over the Justices of the Peace. The revolution of 1689 bowed off into history the divinity which had hedged a king. It substituted an agrarian aristocracy for the Elizabethan idea of the godly prince. The Justices of the Peace were still a single rung in a ladder of authority which was held to stretch from the King to the humblest citizen. They thought of themselves as deputies of the King, responsible for seeing that his peace was kept. Above them were the Lord Lieutenant and the Sheriff, and below them the holders of such parochial offices as the Churchwarden, the Overseer, the Constable, and the Surveyor of Highways. In theory, these offices were all obligatory; in theory their powers and their duties were to be found in some clause of a statute or case in common law. In fact, between 1689 and 1832, the rulers of the County and the almost ubiquitous parishes adapted themselves, as best they could, to the changes in social life, which were the result of the same spirit of enterprise and of reason that caused the American, the French, the Industrial revolutions, and later the world we

know. By 1832 the intervention of an innovating legislature could alone save the system from complete breakdown.

In 1832 there were over 15,000 parishes, each a distinct unit of local administration. But they had never been the subject of systematic treatment by king or parliament. Their areas and their boundaries, the number and the method of appointment of their officials varied from place to place and had varied from time to time. In the 18th century, in Suffolk, the average area was about two square miles, in Northumberland it was twelve, while the parish of Whalley, in Lancashire, extended over 161 square miles. A parish might be a rural hamlet, a hundred square miles of sparsely inhabited moorland, or the 20,000 odd inhabitants of St. Martin-in-the-Fields. To the Constable and Churchwarden the Elizabethan parliament added the offices of Surveyor of Highways and Overseers of the Poor. In theory, these offices were obligatory upon all inhabitants. But they could be exercised by a deputy. When their duties were customary, limited in extent and unspecialised in character, the method of unpaid compulsory offices was workable; but with the increase in wealth, the movement of population, and the growth of knowledge in the 18th century, the working practice of the parish steadily diverged from legal theory.

In the government of the parish there were two legal factors: a right of all the inhabitants to participate in parochial business, and a duty of all inhabitants to perform the duties of the parochial offices—Constable, Churchwarden, Overseer of the Poor, Surveyor of Highways, and many others. The open parish vestry was the only popular assembly, other than the House of Commons, which had the right to impose compulsory taxation. In practice, the politics of the parish reflected the economic and social order of the village or the town. As the Webbs have revealed, there was usually a little oligarchy of intimate neighbours, the tenants of the squire, and the employers of pauper labour, presided over by the clergyman

or senior churchwarden and dominated by the neighbouring Justices of the Peace. It was of these that Arthur Young was thinking when he wrote in his *Travels in France* that "the first attempt towards a democracy in England would be the common people demanding an admission and voice in the Vestries, and voting themselves whatever rates they thought proper to appropriate." In some cases, the parish oligarchy grew into an orderly Open Vestry; Tooting, in Surrey, and the neighbouring Mitcham providing examples of the smooth working of parochial government throughout the 18th century. But more often local inhabitants of importance, cunning or push, tended to appropriate to themselves whatever powers of controlling and fleecing their neighbours might be available. Close or Select Vestries cropped up sporadically over the greater part of England, but they became the common form only in the Cities of London, Westminster, Bristol and in the northern counties. Some of them relied on local custom, others had secured their powers by special local act. They were bodies of one or two dozen persons serving for life and filling vacancies among themselves by co-option. These Select Vestries could become select companies of rogues. And once they had become corrupt they were likely to remain so, for, as Defoe wrote in 1714, "as the old ones drop off they are sure to choose none in their room but those whom they have marked for their purpose beforehand; so rogue succeeds rogue, and the same scene of villainy is carried on, to the terror of the poor parishioners." But, in some cases, a Select Vestry of the leading inhabitants could reach a high level of efficiency. The Select Vestry of St. George's, Hanover Square, reached a high standard of administration in the 18th century. The principle of local democracy and obligatory service might thrive or decay in different places and with changing times. In some cases, a working system of co-operation among the leading inhabitants would lead to the development of an efficient system of local government,

coping with the comparatively simple needs of a village. In others, the system of self-election would lead to a degeneration which was progressive. The efficient vestries had to get round the drawbacks of compulsory and unpaid local service in parochial offices. They allowed any formal holder of an office to employ an assistant, and if the bridge-building or road-making was really difficult, he might farm out the work to a contractor and his staff of paid labourers. But the corrupt vestries could turn the legal principle of compulsory service into a source of revenue to themselves, and make the innovation of farming out the work to a contractor a further source of corruption. The posts of Constable or Overseer of the Poor are so burdensome that they went, in the 18th century, generally by houserow in rotation through the parish. This worked fairly well in a stable rural community where everybody knew everybody and where the authority of the Justice of the Peace and, in the last resort, of the Courts of Justice, could be invoked. But in the new towns of the industrial north and around the Metropolis where the inhabitants were strangers, and the work dirty, exacting and even dangerous, a modest or timid citizen would be only too glad to pay not to serve. "It is well known," reported one of the Poor Law Commissioners in 1833, "that when any person who has received a good education, and whose habits are those of a gentleman, settles in a Parish, one of his first objects is to endeavour to exempt himself from parish office." If those who did not want to serve paid to be excused, those who did serve looked for some reward. A combination of the local tradesmen and craftsmen could make a good thing out of the parishioners who were too lazy to break their monopoly of little jobs. "Every parish officer," wrote a London observer in 1796, "thinks he has the right to make a round bill on the parish during his year of power. An apothecary physics the poor; a glazier, first, in cleaning, breaks the church windows, and afterwards mends them, or,

at least, charges for it; a painter repairs the commandments, puts new coats on Moses and Aaron, gilds the organ pipes, and dresses the little Cherubim about the loft as fine as vermilion, Prussian blue and Dutch gold can make them." But in the new towns, at the end of the 18th century, there was more than petty jobbery. The legal framework of the parish suitable to Arcadia was broken by the swarming hordes of New Town, Dirtyshire. When the customary machinery of government broke down, a few competent rogues established a black market, in which justice of a kind and a few essential services were provided at a price. In 18th century England, as in the United States of the late 19th century, the phenomenon of the Boss appeared. A forceful if dishonest administrator would secure control of all the local offices and create a local political "machine" to serve and fleece the citizens. Joseph Merceron, who controlled Bethnal Green for nearly fifty years from 1787, is the classic example of this Boss rule.

In the first quarter of the 19th century the swarming population of the new towns submerged the traditional parish government in Leeds, in Manchester, and the crowded areas of the Metropolis. Parliament had from time to time in the 18th century used the parish to administer new services—to provide fire engines, inspect slaughter-houses, license public-houses and to furnish men for the army and navy, or to billet soldiers, but the Sturge Bourne Acts of 1818 and 1819 provided the first changes in their legal constitution. In some crowded urban districts, Woolwich and Liverpool in particular, a form of democratic government had been developed. There were orderly elections of standing committees which controlled salaried and competent staffs. But the Sturge Bourne Acts followed the precedent of the Select Vestries. They provided for plural voting and a property qualification. Persons rated at less than £50 had only one vote and those rated above that sum had one vote for every £25, up to a

maximum of six votes. Persons who had not paid their poor rate and who were not rated could not vote. The main objects of the Acts were to legalise a representative Parish Committee and a paid Overseer of the Poor. But they applied only to those parishes outside the City of London and Southwark, which were not governed by local Acts or special customs already providing for a Select Vestry. The powers of the parish committee were limited to poor relief. The idea of a Select Vestry was associated in the public mind with jobbery and corruption. In consequence, only some 3,000 parishes adopted the Sturge Bourne legislation and these soon deteriorated in their working. The representative committee tended to degenerate into a combination of tradesmen bound together by local interests. By 1834 all but two in the Metropolitan area had been discontinued and the total number in England and Wales was only about 2,300.

In 1831, John Cam Hobhouse (afterwards Lord Brougham), working with Francis Place, secured the passing of the Hobhouse Act to deal with some of the scandals of local government in the London area. The Hobhouse Act gave a parochial vote to every person, male or female, who paid rates, however low their assessment. It gave every elector only one vote; it provided for annual elections and vote by ballot; but it restricted the choice of the electors to persons with such high rating qualification that most inhabitants were excluded. Only one-third of the representatives were to be elected every year. But by providing that the elected Vestry should be responsible for all the business of the parish and not merely the poor law, that there should be an annual election of independent auditors, and that the parish accounts and minutes should be open to public inspection, the Act was a genuine instalment of representative government. As, however, it could only be adopted if, at a poll in which at least half the ratepayers voted, two-thirds of those voting were in favour of adoption, the Act had little influence, being

confined in practice to those parishes which had Select Vestries in the Metropolitan area.

Compared with the ever-changing forms of parochial government, the system of the justices of the peace was comparatively stable. But that, too, was to succumb to the changes which began about 1750. The industrial revolution, though it began quietly enough with the opening of the first great canal in 1760 and the homely throbbing of James Watt's steam engine in 1776, was to mean the subtle interfusion of every detail of our lives with the methods of applied science. The traditional systems of the parish and the county were disrupted by a swelling population which was concentrated in those areas which had previously been most thinly inhabited. To-day we know only too well what happens when rural areas are flooded with refugees, or when masses of people are concentrated in the small space of an air-raid shelter. In these cases it is still only a question of securing the extension of existing services to the new centres of demand. In the first stages of the industrial revolution, however, the services themselves had still to be invented, and when invented, the people who had most need of them had to be persuaded that they were necessary. In the case of an air-raid shelter, or a camp of refugees, there is somewhere a recognised administrative system, to which suggestions can be made and from which orders will be taken; whereas in the dawn of the new urban age these were almost entirely lacking. The Justices of the Peace could not cope with the basic problems of a new urban age.

Since the 13th century the powers of the Justices of the Peace had grown steadily. They groaned beneath a load of statutes. They dealt as they had dealt since the 13th century with law and order, but in the 18th century that now included the control of liquor, at once the solace of the poor when times were quiet, and a stimulant to riot in periods of unrest. They administered the poor law which the growing tempo

of economic change made more harsh. To their Elizabethan responsibility for highways and bridges had been added that of paving, lighting and cleansing the thoroughfares of growing towns. To take a few letters of the alphabet only, they had something to do with Rape, Rates, Recognisances, Records, with Perjury, Piracy, and Playhouses, with Disorderly Houses, Dissenters, Dogs and Drainage. "Such an infinite variety of business has been heaped upon them," said Blackstone in 1765, "that few care to undertake and fewer understand the office." The Justices of the Peace are still with us, but the central position they occupied so long in local government was, in the 18th century, already passing. Forces were in motion which would eventually cause the management of town and country to pass from persons of station into the hands of elected persons and the paid experts they employ.

In 1832 there were only 5,000 Justices of the Peace, though there had been 3,000 for the far simpler conditions of 1689. The increase was not enough for the work which they had to do. With the growth of towns in once thinly-populated areas, the country gentlemen from whom the Justices had been drawn refused to serve or left the neighbourhood. "In places inhabited by the scum and dregs of the people and the most profligate class of life, gentlemen of any great figure or fortune," wrote an 18th century journalist, quoted by the Webbs, "will not take such drudgery upon them." The benevolent autocrat of the countryside immortalised by Addison as Sir Roger de Coverley gave place to a variety of species shrewd and coarse enough to cope with new and brutal times. In Middlesex and Surrey the Trading Justices made the office pay by exploiting their legal claim to fees. "The Justices of Middlesex," said Burke in 1780, "are generally the scum of the earth—carpenters, bricklayers and shoemakers; some of whom are notoriously men of such infamous character that they are unworthy of any employ whatever, and others so ignorant that they could scarcely write their

own names." The majority, who were decent men enough, became the mouthpiece of their clerk. "A justice and his clerk," wrote one 18th century pamphleteer, "is now little more than a blind man and his dog." Even if the clerk were competent it was his object to multiply his fees. The Justices of the Peace belonged to an agrarian order which was passing away. The class from which they were drawn was itself riven by religious and economic rivalries. Tory squires would not help Whig factory owners. Churchmen would not co-operate with Dissenters. A member of the Municipal Corporation Commission said in 1838 that "the refusal of the County magistrates to act with a man who has been a grocer and is a Methodist is the dictate of genuine patriotism; the spirit of autocracy in the County magistracy is the salt which alone saves the whole mass from inevitable corruption."

By the opening of the 19th century it had become clear that the old system of the County and the Parish could not meet the problem of management in the new industrial towns. The village constable could not manage the town toughs, nor did the squire and his relations cut any ice with the masters of new factories or the half-savage hands whom they employed. And if the County had failed it became equally clear that such Boroughs as existed were not equal to their tasks.

Long before the 16th century the small towns of medieval England had been able, in return for a share of their wealth, to obtain special powers of government from the King. They were granted charters of incorporation which would include the right to have their own Justices of the Peace. In the Tudor and Stuart period the grant of borough charters had been a device by which the King could secure a majority favourable to himself in the new instrument of government, Parliament, he had learnt to use. In the 16th century many of these corporations had run their tiny areas very well. They ruled neither Athens nor Rome, but they paved and cleaned their

streets, regulated markets, controlled the production and sale of liquor, provided a fire service and looked after the poor. There were only some 200 Municipal Corporations. They were exceptions from the general rule of the government of the county by Justices appointed by the King. They were cases of privilege within an agrarian society. They tended to be organised for the defence of the special interests of their traders and craftsmen. "The government of towns corporate," wrote Adam Smith, "was altogether in the hands of traders and artificers." While some of them were democratic in their form of government, three-quarters of them were governed by a close body. The Corporation of Romney Marsh (Kent) put the idea clearly in their minute of 1604: "The Twenty-Four shall be instead of the whole commonalty, and no other of the commonalty to intermeddle on pain of five pounds." The Close Boroughs were analogous to the Select Vestries we have described. These Corporations were not able to provide good government in the new towns. Their charters had been granted when towns were only small aggregates of traders and craftsmen. In 1689 only the City of London, Bristol and Norwich reached a population of 30,000. There were no other towns of even 20,000, whilst only half a dozen had more than 5,000. These snug exemplars of privilege could not expand to become the governing bodies of a torrent of unruly strangers. Moreover, where they were most wanted—in the new industrial areas of the later 18th century—they did not exist at all.

While it is easy to draw a sharp distinction between the needs of the growing population of the late 18th century and the ineptitude of its government, it must not be forgotten that the same energy and skill which made possible the industrial revolution itself was at work in meeting the new conditions which it caused. The English constitution between 1689 and 1832 would seem a poor thing to the ordinary town councillor or local official today, but in the opinion of

many observers it was yet one of the best systems of government the world had seen. The place of violence in public life had been cabined and confined by custom and convention and the principle of order had been inseminated in every tower and hamlet. The period from 1689 to 1832 is a long prologue to the Victorian competence, which is itself the precursor of the planning, without despotism, of today. The principle of self-help, which produced the industrial revolution, produced also experiments and devices in local management which were only generalised after 1832.

The Webbs, in their great history of English Local Government from 1689 to 1832, have shewn how a multitude of Statutory Authorities for Special Purposes was set up to deal with the urgent problems of a changing economic order. The problems of the Poor Law were explored by the Incorporated Guardians of the Poor; The Turnpike Trusts provided an entirely new standard in roadmaking and maintenance; and the Improvement Commissioners tackled the entirely new problems of paving, lighting, watching and cleansing which the growing towns presented. Parliament was not prepared and had not the skill to introduce general legislation which could establish social services and public amenities in every part of the country. The idea of an innovating legislature was to come later when innovation in all our ways had been made a commonplace by the new machines. But parliament was prepared to pass legislation which had a local reference for those who were prepared to press for it.

Between 1647, when the Commonwealth Ordinance was passed for the establishment of the "Corporation of the Poor of the City of London," and 1831-1833, when acts were passed to reorganise the unions of city parishes in Birmingham, Leicester, Norwich and Gloucester, some 200 local acts were passed to establish Incorporated Guardians of the Poor. Some 125 bodies were deliberately formed with powers to appoint officers and raise revenue for the purpose of improving the

administration of the poor law. They were usually autonomous federations of parochial authorities, urban or rural. In a few cases they were statutory committees of a Municipal Corporation. In others they were outgrowths of the vestry of a single parish. The powers of the parish were transferred to them and even, in some cases, the powers of the county. They are important because they tried a whole series of experiments dealing with destitution. They initiated many of the devices which were generalised by the Poor Law Act of 1834. The machinery of administration by committees, assisted by salaried officers and possessed of an organised workhouse serving a union of parishes was their innovation. They may be said to have developed the idea of an elective authority working with a paid and permanent executive, which is now the very heart of local government practice.

An entirely different problem was tackled by the Turnpike Trusts. The problem of pauperism involved fundamental questions about the nature of economic life which were only thoroughly examined as economic science developed in the 19th century. But the problem of the roads was specific and concrete. They had been getting steadily worse since the time of the Romans. In these islands, where water communication was easy and armed frontiers almost unknown, the very idea of a Roman Road was unthinkable. A road in the sense of a straight and firm way between two places was something which only a despotic Caesar could undertake. Only conscripts or slaves could make roads; freemen must be content with tracks. And tracks they had, though it was noticed that by the beneficence of nature, a well-used track in God's good time would become very like a road. The King's Highway was not conceived of as a strip of land, either with or without cobbles, but "a perpetual right of passage in the Sovereign for himself and his subjects over another's land." Well used, such a right of way would become a beaten track, and the maintenance of highways for which the parish surveyor was

responsible really meant preventing anything which would prevent the roads getting better by use. The roads were made by the feet of men and beasts; they were maintained by removing obstructions such as fallen trees, or diverting streams which would prevent their being used at all. Even in the 17th century it was obvious that a road could not only be worn well, but also worn into ruts and holes, and that the work of parochial officers could not cope with the floods which were themselves the result of fallen bridges. So energetic private persons secured from parliament the creation of a Turnpike Trust. Beginning about 1700, there came to be over 1,100 of them simultaneously in existence in 1835. This was twice as many as all the other kinds of statutory authorities together and five times the number of Municipal Corporations. They were nearly all the same in structure and in powers. A number of persons named in the Act as trustees, who were supposed to be qualified by the possession of a certain amount of property, supported by a few ex-officio elements, such as the mayor and burgesses of the town through which the proposed road was to pass, were given the power to construct and maintain a specified piece of road and to levy tolls on certain kinds of traffic for its upkeep. This new type of *ad hoc* authority was inserted into the complicated hierarchy of English local government without any clear statement of its relations to the existing authorities of the parish and the county. But the Turnpike Trusts were certainly successful. Defoe, in the early 18th century, is lyrical about their merits. "It is well worth recording, for the honour of the present age, that this work has been begun . . . . 'tis more than probable that our posterity may see the roads all over England restored in their time to such perfection that travelling and carriage of goods will be much more easy both to man and horse than ever it was since the Romans lost this island." Not only will the new roads "tend to lessen the rate of carriage and so bring goods cheaper to market, but the fat cattle will drive lighter

and come to market with less toil and not waste their flesh, and hot and spoil themselves in wallowing thro' the mud and sloughs.... The sheep will be able to travel in the winter," and members of parliament will be able more easily to get to Westminster.

After 1750 the larger and more important Trusts were enlisting permanent salaried officials and an orgy of experiments in road-making was begun; some sloped inwards to, while others sloped away from, the centre, and the Trusts were laboratories for trying shapes and surfaces. Between 1750 and 1770 the number of Trusts was trebled and, in the words of a contemporary, "journeys of business are performed with much more than double expedition .... Everything wears the face of dispatch." As we shall see in a later chapter, the further development of the Turnpike Trusts was killed by the railways. But in their time they met a need which the ordinary local system could not have met. The landowners would have been unwilling to pay rates and taxes for an improvement of the roads. In this particular case, it was possible to make those who used a service pay for it.

The Improvement Commissioners raised more subtle problems. The roads were only of use to the road users; the problem of pauperism no one rightly understood; but the conditions of the growing urban areas palpably affected all who lived in them. The Improvement Commissioners were not concerned with the health of towns, but with the provision of streets and pavements along which the inhabitants could move reasonably free from dirt and danger. In rural areas, before the motor and the bicycle, the local inhabitants merely required a right of way; in the new towns they wanted not merely a right of way but the way itself, and this had somehow to be made. The provision of roads and pavements in towns is one of those revolutions the very memory of which has passed away. They were as profound an innovation and

as difficult to secure within the towns as were the railways which later united the towns together.

Though there were some early experiments, the real start of the Improvement Commissioners was at Liverpool in 1748. They were established in every part of England between 1748 and 1838. Even where there was already a Municipal Borough, separate Improvement Commissioners were established. The new bodies took three main forms: usually certain persons were named in the Act to serve for life and authorised to fill vacancies by co-option; in some cases provision was made for some to be elected; while in others the ex-officio element and the named list were combined with all the individuals belonging to a specially defined class. The Manchester Police Commissioners went through all three forms; in 1765 it had a limited number of named persons with the right to co-opt; in 1792 a body consisting of a whole class; and in 1828 a body of representatives elected. From 1828-35 they included among their most active members all the men who were making Manchester famous in politics and commerce and they gave to Manchester a supremacy in town government equal to that which Birmingham took in 1870. The working, as distinct from the formal, constitution was usually a self-elected and self-renewing clique of principal inhabitants. They initiated nearly all the activities of town government which were to be generalised by Act of Parliament in the 19th century. They not only provided roads and pavements, street lighting at night, and policemen day and night: the more progressive launched out into municipal enterprises providing not only water supplies and fire engines, but, in the case of Manchester, a Municipal gas supply.

By 1830 the County and the Borough systems were in ruins. The government of the parish by all the inhabitants in open Vestry might be possible in Arcadia, but would not work in Bethnal Green. The Justices of the Peace might supervise a group of the country parishes, but they were un-

equal to the supervision of the towns of the "dark Satanic mills." Moreover, as they were not elected but, in theory, nominated by the Crown, they were anathema to the radical reformers who were to secure the Reform Bill of 1832. The Boroughs were often merely a combination of the leading tradesmen of a town and their areas and their powers were unequal to the work which must be done. But in the experiments of the Improvement Commissioners were the beginnings of modern local government which, if it could be based upon democratic foundations, might give the Reformed Parliament after 1832 what it required.

CHAPTER II

The Making of the New Structure, 1832-1888

English local government has been created in little more than a hundred years. Though the names of the different kinds of local authority may evoke a memory of things past—the Parish ("that circuit of ground in which the souls under the care of one parson or vicar do inhabit"), the conversion of England to Christianity; the County, the Norman invasion of 1066; and the Borough, the legal complexities of feudalism —the structure and the powers of their modern embodiments have come about through an interplay between the revolutions in science and industry and the growth of political democracy since 1832. The most important changes in the structure of English local government followed the extensions of the suffrage in 1832 to the middle class, in 1867 to the urban working class, and in 1884 to the agricultural labourer. The revisions now in progress are partly the result of the extension of the suffrage in 1918 and 1928.

The drives for improvement have been intermittent. In the first flush of the reform movement of 1832 a radical change of the poor law and in the government of towns was secured. But the Poor Law Act of 1834, and the Municipal Corporations Act of 1835, exhausted the reforming zeal of the new and limited electorate of the time and were followed by only scattered and inchoate attempts to cope with the more urgent problems of organised social life which the industrial revolution created. The most important was the public health movement of 1848-58, which was caused by the unprecedented conditions of filth in the new towns of the "dirty forties." After the Reform Bill of 1867, the new electorate compelled even Disraelian conservatives to undertake a new step forward in the reorganisation of English local government, and in 1871 the Local Government Board, the

precursor of the Ministry of Health (1918), was established. A sanitary minimum had been secured. Drains had entered politics and the elements of social justice were to follow. When, in 1884, the agricultural labourer was given the right to vote for Parliament, he could no longer be denied some control of local government, and in 1888 the administrative powers of the Justices of the Peace who, since 1689, had been the only government of the countryside, were transferred to County Councils modelled on the system provided for the towns in 1835.

But while the important changes in structure have followed the great parliamentary reform bills, the root causes have lain deeper. Behind the reform bills themselves were revolutions in industry and transport, in medical and engineering science, and in the technique of taxation, which made it impossible for the government to disclaim responsibility for the essential elements of social security. Between 1832 and 1888 the growth, and the movement of population, shattered the way of life which was common before the railway and the urban life of the machine age. The essential minimum protection against want had to be provided by a renovated poor law; against disease by new sanitary authorities; against disorder with a new police; and against social degradation by free and national education. But in the period before 1888, when the main outlines of the present structure of local government were drawn, the theory of *laissez faire*—that a good government was a government which governed least—was in the ascendant. Since then, the industrial and scientific revolutions have changed and are at present changing with an ever-increasing acceleration every detail of our lives. The importance of the microbe, of the internal combustion engine, and of education other than elementary, had not in 1888 been revealed. Since 1888 the revolutions in transport, in preventive medicine and in the conceptions held by nearly all citizens of the proper functions of the State, have transformed

the work and the importance of local authorities. But many of our present problems have been caused by the fact that in its main outlines the system was established in 1888, and, therefore, before the bicycle and the motor car and the electric train had created the modern problem of town planning, or the return of a single working man to parliament had made the demand for freedom from want and squalor a vital political issue.

So the present system of local government is the result of an interplay between political, economic and scientific factors. The Poor Law Act of 1834, which followed the Reform Bill of 1832, determined the main principles of central control of local authorities until 1929. The Municipal Corporations Act of 1835 outlined a system of local government by elected councils which was only generalised and systematised by the Local Government Act of 1933. The Local Government Act of 1888 applied to the counties——those mixed urban and rural areas which lay outside the towns which were covered by the Municipal Corporations Act of 1835—the principles of local self-government which those towns had developed. But since 1888 this whole structure of town and county government, which was, as we shall see, a compromise imposed by the balance of political parties at the time, has had to be adapted to the revolutions in industry and science, in public finance—Mr. Gladstone always hoped to abolish the income tax—and in public administration—the modern civil service was not born before 1871—and in our conceptions as to the proper functions of the State, which distinguish the world of the Beveridge report from the world of Gladstonian Liberalism.

It is a measure of the difficulty of changing English local government that, after 1832, the one service which the reformed parliament could radically change was the poor law. For the poor they created a special set of elected authorities—the *ad hoc* Guardians of the Poor—which cut across the

existing system of local government and was not assimilated into the general structure again until 1929. The Poor Law Amendment Act of 1834 set up a special central authority—the Poor Law Commissioners—with power to group the 15,000 parishes into areas more convenient for the administration of poor relief as that problem was understood by contemporary economists and politicians. Some 700 Unions (that is, groupings of parishes made by the new central authority) replaced the 15,000 parishes as the local authorities responsible for poor relief. But, in the following year, the Municipal Corporations Act, though it was a revolutionary confiscation of the property rights of the old corporations, placing them under the control of a democratically elected town council, was a mere postscript to the Reform Bill of 1832. It was in the towns that the 18th century franchise had been most abused and it was in the towns that the new electorate was most powerful. But whereas the new poor law was applied to every part of the country, the new system of town government, devised in 1835, was established at first in only 178 of the old corporations. There was no attempt to provide a system of local government appropriate to all urban areas as such, and, in the rural areas, except for the poor law, nothing had been done at all. So, between 1832 and 1888 while there was, for the whole of England and Wales, a special system of elected Boards of Guardians to deal with paupers and a form of town government in certain urban areas for all problems other than the poor law, it was necessary, outside those Municipal areas, either to use the non-elected Justices of the Peace, the rearguards of an agrarian oligarchy, the foundations of whose power were seeping away, or to create special *ad hoc* authorities to deal with urgent problems as they arose. Because the latter procedure was mainly followed by the timid parliaments before 1888, the structure of English local government became a chaos of areas and a

chaos of authorities into which the fifty odd years since 1888 have not yet managed to bring a reasonable order.

Modern English local government begins with the Poor Law Act, 1834. Why was it passed? The amount which was expended on poor relief in 1830–31 was not in itself unreasonable. Approximately, it represented the cost of subsistence of the whole population for less than five weeks or a bare 3 per cent. of the estimated national income. In the middle of sweeping industrial changes and when any form of minimum wage or unemployment insurance was a dream of fanatics this was not too bad. But the reasonable figure was most unreasonably distributed. Nearly half of the total was spent on the agricultural labourers of the south of England. It was administered on principles which were pernicious in themselves and anathema to the best economic thought of the time, and by the machinery of the Justices of the Peace and the parochial overseers of the poor, which would have made a mess of any scheme however perfect. The pernicious principle was that relief in aid of wages which had been started by the Speenhamland Justices in 1795 and widely adopted to cope with agrarian distress. We can see now, that what was lacking, was any system, by which a minimum wage could have been secured by unorganised labour, or any system of providing the essential services of food and medicine to men who, though they might be in full employment, could not afford them at the existing rates of pay. Contemporary economic thought could see the foolishness of subventing the wages of the men employed by those who paid badly at the expense of those who might otherwise have paid well, but they had not realised that in a really free market, though the worker might receive the value of his work, his wage might not be enough to buy his family the means to maintain health and strength in all contingencies. At the time there was no administrative machinery for the provision of essential services irrespective of the capacity of the recipient to pay.

The Elizabethan Poor Law which, with Tudor energy, had attempted to deal both with unemployment and relief was moribund. Two centuries of varied policies had made a tangled skein of the original scheme and the administration of the poor law was often corrupt as well as inept. For the vagrant, the prostitute, and the semi-criminal there were houses of correction. In some urban areas where the parochial administration of poor relief would have been uneconomical, urban workhouses had been erected under special Acts of Parliament. This principle of associating parishes for the setting up of a workhouse had been extended to rural areas, and in 1782 Gilbert's Act had provided general though optional facilities for such unions of parishes. But in 1832 there were only 900 parishes out of over 15,000 which had been grouped into Gilbert Incorporations. The adoption of the system of relief in aid of wages since 1795 meant that the creation of new workhouses had ceased, and by 1832 accommodation would be inadequate if outdoor relief were stopped. A radical reform was necessary if haphazard outdoor relief by means of subventions in aid of wages was to end. The Justices of the Peace themselves were not unwilling to be relieved of a burden which was heavy and obnoxious.

The Poor Law Commission, which was appointed in 1832 by Lord Brougham, sent out its own investigators to visit about 300 parishes and to report under 62 comprehensive headings on the working of the existing system. These investigators or assistant commissioners were the prototype of the inspectorate from Whitehall, which has played so large a part in the development of poor law policy and public health. In 1832 they were mostly philosophical radicals, and the fact that Edwin Chadwick, an ardent disciple of Jeremy Bentham, was on the Commission meant that the influence of utilitarian theory was to have full scope. The investigators went, saw, reported and condemned. From their reports the Commission distilled a cogent, if prejudiced, report which

killed the old poor law and begat the new. The report, write the Webbs, "not only determined for seventy years the acknowledged policy of the English parliament and the English cabinet with regard to the relief of destitution, but also established, for the first time in Great Britain, a new form of government which was destined to spread to other services, namely, the combination of a specialised central Department exercising the executive control, but not itself administering, with a network of elected authorities covering the whole kingdom, each carrying out, at its own discretion, within the limits of that control, the very large powers entrusted to it by parliamentary statutes." The Poor Law Commission initiated that system of partnership between Whitehall and the local authorities which with varying fortunes has survived as the essence of the system to the present day.

In its own words, the Commission recommended "the appointment of a Central Board to control the administration of the Poor Law, with such Assistant Commissioners as may be found requisite; that the Commissioners be empowered and directed to frame and enforce regulations for the government of workhouses, and as to the nature and amount of relief to be given and the labour to be exacted from them, and that such regulations shall, as far as may be practical, be uniform throughout the country . . . That the Central Board be empowered to cause any number of parishes which they may think convenient to be incorporated for the purpose of workhouse management, and for providing new workhouses where necessary . . . To settle the general qualifications which shall be necessary to candidates for paid offices connected with the relief of the poor . . . and to remove any paid officers whom they may think unfit for their situations . . . That, except as to medical attendance, all relief whatever to able-bodied persons or to their families, otherwise than in

well-regulated workhouses, shall be declared unlawful, and shall cease."

Thus were three great principles of administration, and a fourth peculiar to the poor law, introduced with complacent treadmill phrases into English local government. The principle of the *ad hoc* authority or special body elected for a single service; the principle of an area appropriate to a particular function—the Union of parishes for the purpose of poor relief; the principle of detailed central control; and, finally—peculiar to the problem of pauperism—the principle of *less eligibility*. The latter was the underlying theme of the whole report and flowed from the fount of Benthamite inspiration. "If," said the report, 'the disease of pauperism' was to be cured, then the principle must be accepted that the situation of the able-bodied person in well-regulated workhouses on the whole "shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class . . . Every penny bestowed, that tends to render the condition of the pauper more eligible than that of the independent labourer is a bounty on indolence and vice. But once the condition of the pauper is made more uncomfortable than that of the independent labourer then new life, new energy is infused into the constitution of the pauper; he is aroused like one from sleep, his relation with all his neighbours, high and low, is changed; he surveys his former employers with new eyes. He begs a job—he will not take a denial—he discovers that every one wants something to be done." The threat of the workhouse and the gruel within its gates was a magic rod to banish want and unemployment.

The far-reaching implications of this principle of less eligibility and its influence on poor law policy from 1834 to the "break up" of the Poor Law of 1834 in 1929, under the influence of new conceptions of social security and social justice, are discussed below. Here we must consider the effect which the Poor Law Amendment Act of 1834 was to

have on English local government. The Act laid down no specific scheme for the relief of destitution, nor did it provide for the abolition of any existing local authority. But it did provide for the setting up of a central controlling body of three salaried Commissioners and a Secretary, who were none of them to sit in Parliament. The three Commissioners were empowered to appoint Assistant Commissioners and a clerical staff and to issue mandatory rules and orders and regulations to the local poor law authorities. The Commissioners were the heralds of the future Ministry of Health.

At first there were nine and later seventeen Assistant Commissioners, and they were sent out to investigate how the parishes might be amalgamated into convenient unions, with new workhouses to house the paupers they might wish to discipline. Where, as in the south, the old policy of out-relief had done most damage, they were able to secure the assent of the parochial officials and the local Justices of the Peace to a grouping of the parishes into unions. Disregarding county and borough boundaries, they grouped the parishes which within a radius of some ten miles centred on a market town convenient as a meeting-place for the new Board of Guardians. A period of agricultural prosperity simplified their work. By 1846 there were 643 of the new poor law Unions in England and Wales. They were established finally even in the industrial north. But there the Commissioners met serious resistance. In the north the obvious evils of agrarian pauperism aggravated by relief in aid of wages had not been felt. Many of the large half-urban and half-rural parishes had their own loose old-fashioned but well-established systems. Nor were the northerners easily to be won to the southern schemes of Somerset House. The Commissioners had to be content to establish what Unions they could without causing local riots. Their task was simplified by the decision of the Whig government in 1837 to use the new Union areas for the new Registration Service. This comprised

a network of local registrars of births and deaths serving areas based upon the poor law Unions and appointed by the local Boards of Guardians under the supervision of a Registrar-General in charge of the new General Registration Office. For the sake of this pleasant patronage, local inhabitants, otherwise recalcitrant, were prepared to get the new Boards of Guardians into existence. In Lancashire and Yorkshire thirty-one Unions were formed solely for the work of registration and without any poor law powers at all. The Commissioners discreetly concentrated on setting up the new machinery and waived questions of policy where they must. They modified the doctrine of less eligibility and, where resistance was really strong, made no attempt to enforce their basic principle that no relief in cash should be given to any able-bodied paupers who were in employment. Nor when relief in aid of wages was stopped did they enforce the stoppage of all outdoor relief. The modifications which the industrial conditions and the spirit of the north imposed upon the principles of 1834 were to have far-reaching effects upon the development of poor law policy.

Whatever its limitations, the Poor Law Act of 1834 had provided that there should be one elected authority for the special problem of poor relief in areas which were thought to be convenient for its administration. It was assumed at the time that the problem of pauperism could be kept apart from all other problems of local government. It was even implied that, with a firm administration of a proper poor law policy, the poor law might nearly wither away. Although this was a delusion, there was for the moment a network of reasonably planned authorities for this particular service over the whole country. But for all other services except this one, there were only the decaying systems of the counties and the boroughs, or the expedient of a statutory authority for a separate function. In 1835 the reform of the Municipal Corporations initiated a system of elected councils for all

purposes of town government. But unlike the Poor Law Reform it was uninspired by any general theory and was tentative and confused.

Once the most pressing needs of the country districts had been relieved by the poor law reform the middle-class pressed home their demand for a reform of the old municipal corporations. Their power to return members to Parliament, mainly in the Tory interest, had been removed by the Act of 1832. But they were obnoxious to the radicals because they exercised their property rights without any thought to the needs of the inhabitants of their areas. They were, in fact, corporations without bodies to be kicked or souls to be damned, who were, in accordance with the principles of English law, entirely free to use their properties as if they were individuals of flesh and blood. The corporations were not all the inhabitants of any area, but the freemen of the boroughs, who might be as many as five thousand or as few as a dozen. They were snug oases of privilege whose religious discrimination against dissenters, manipulation of markets, tolls, and harbours for their more comfortable provision, and indifference to the provision of such urban necessities as competent police, firemen, or clean water and lighted streets, exasperated their unprivileged middle-class neighbours. In 1833 the Whigs set up a commission to enquire into the state of the municipalities in England and Wales and "to collect information respecting the defects" in municipal corporations, and "to make enquiries also into their jurisdiction and powers and the administration of justice, and in all other respects; and also into the mode of electing and appointing the members and officers of each corporation, and into the privileges of the freemen and other members thereof and into the nature and management of the income, revenue and funds of the said corporations." The method of enquiry was to send assistant commissioners, mostly young barristers of the radical school, to report on separate districts. England

and Wales were divided into eleven districts. London, the eleventh, was made the subject of a special report and received special treatment. The material collected occupies five appendices of 3,446 pages to the final report, a concise, clear pamphlet of forty pages, in which the Tory dogs were given the business end of a Radical stick. It has been said that the report unfairly attributed to all the boroughs the corruption which the detailed evidence had only established in a few. But on the main issue that the private property rights of the old corporations should be taken for public use under the control of a democratically-elected assembly they were absolutely right. Nor can it be denied that the old system was quite unsuitable for the new problems of an urban age. The report concluded: "There prevails,amongst the inhabitants of a great majority of the incorporated towns a general and, in our opinion, a just dissatisfaction with their municipal institutions, a distrust of the self-elected municipal councils, whose powers are subject to no popular control, and whose acts and proceedings, being secret, are unchecked by the influence of public opinion; a distrust of the municipal magistracy, tainting with suspicion the local administration of justice, often accompanied with contempt for the persons by whom the law is administered."

The Municipal Corporations Act of 1835, which was based upon the report, outlined a form of government which could be applied to any borough and which, with some modifications, is the basis of the general form of local self-government at the present day. The municipal corporation was defined as the legal personification of the local community, represented by a Council elected by, and acting for, and responsible to the inhabitants of the district. The franchise was, in theory, more democratic than the parliamentary franchise of 1832, as all ratepayers who had resided in an incorporated town for three years might vote. Council meetings were to be open to the public and their accounts were to be audited

once a year. Justice was separated from municipal administration and magistrates were to be appointed by the Crown for the municipalities as they were for the counties. Provision was made for urban communities other than those included in the Act to receive the constitution of a municipal corporation.

But while the Act outlined a form of local representative government suitable to urban life, the sphere of such self-government was restricted within narrow limits. All corporate property and all fines received were to be paid into the borough fund, and any surplus was to be used for the "public benefit of the inhabitants, and the improvement of the borough," while a rate might be levied to cover any deficit which might exist. But the sphere of the new councils was very limited. Their Watch Committees were to control the local police; if they possessed the statutory power to light any part of their areas they might light the whole. They might grant licenses for the sale of drink and make bye-laws for the good rule and government of the boroughs, and for the suppression of nuisances. Any extension of these powers would depend upon parliamentary legislation, either by general legislation, or by local acts secured by the initiative of the local councils. Nor was the system applied to all urban areas. Of the 285 places which the Commission had investigated, 246 were considered to be in possession of municipal powers. Of these, 178 were made subject to the provisions of the Act. London was omitted as being too large and important to be included within the general scheme, and 67 other places were omitted as being too insignificant to be included at all. And for those which were included, no attempt was made to require the possession of an area, or a population, essential to the proper exercise of municipal powers. For the poor law the Unions were rationalised; for general purposes of local government the areas of the towns were not.

The principle of central control, which was the essentia element in the Act of 1834, was barely present in 1835 Treasury sanction was required for the raising of loans an the alienation of corporate property. Local bye-laws migh be disallowed by the Privy Council; the Watch Committe was ordered to present a quarterly report to the Home Office Though the boroughs were enjoined to audit their accounts the power of audit was placed, not in auditors responsible t the central government, but in those appointed by themselves.

During the half-century from 1835 to 1888, there was a increase in the number and in the importance of the Municipa Boroughs, but outside those oases of comparative order there grew up an increasing chaos of areas and authorities. The dominating influence was the public health movement, which led to the creation of the Local Government Board in 1871, and the reorganisation of the urban and rural sanitary districts outside the Boroughs by the Public Health Act in 1875. Finally, in 1888, the influence of the extension of the franchise in 1884 to the agricultural labourers secured the extension to the Counties of the system of elected Councils which had been given to the Boroughs in 1835.

The government powers of the municipal corporations under the Act of 1835 were extended by successive statutes. They were allowed to spend money on public baths and washhouses, libraries and museums, literary institutions, lunatic asylums, bridges, recreation and pleasure grounds and highways. And after 1872, if not before, they became the public health authorities under the public health legislation which was consolidated in the Public Health Act, 1875. By the time the Municipal Corporations Act of 1882 was passed they had acquired powers for the general regulation of their roads and streets, the provisions of an efficient system of drainage and sewage, the care of public health including the establishment of lunatic asylums and the provision of special hospitals

for infectious cases, the provision of means of cleanliness and recreation, such as baths, parks, and pleasure grounds, the supply of gas and water, the maintenance and control of markets, the maintenance of free libraries and museums, the provision of fire brigades and the maintenance and control of an adequate police force. In addition, most of the larger boroughs had secured special powers. In 1846, Liverpool, on the advice of its medical officer of health, the first to be appointed in any town, had secured a comprehensive sanitary Act which was in many ways a model for the general Public Health Act of 1875. In 1867, Manchester had secured an Improvement Act, which was the first to provide that houses "which are unfit for human habitation" should be closed without compensation to their owners, and thereby laid the foundation of all future slum clearance legislation. In the 70's, Birmingham, under the leadership of Chamberlain, was reaching new standards in housing and in slum clearance.

Before 1835 the incompetence of the old corporations had led the inhabitants to apply to parliament for the establishment of special authorities to do the essential work of lighting, draining and fire protection and sanitation. For profit-earning services, such as gas and water, incorporated trading companies, and for non-profit earning services various forms of improvement commissioners had been set up. In 1835 it was impossible to transfer the powers of these independent bodies to the newly-established Borough Councils because of the opposition and mistrust of municipal authorities which then existed. The government, too, was afraid that the new councils might be a political force in the radical interest and the various local interests were mulishly defensive. Moreover, the types of boroughs were so various, ranging from the smallest market town to the largest new industrial centres, that it was difficult to frame general provisions about the powers which each should have. Provisions were, however,

made for "trustees appointed under sundry Acts of Parliament for paving, lighting, cleansing, watching, supplying with water and improving the whole or certain parts of the" scheduled boroughs to transfer such powers, if it shall seem expedient to the new boroughs." These special powers were gradually extinguished. In 1872 and 1875 the Borough Councils were everywhere made the urban health authority. Some boroughs secured extensions of their areas. New boroughs were established by the grant of charters under the procedure laid down in the Act of 1835; by 1876, 62 new boroughs had been incorporated. Finally, the Municipal Corporations Act of 1882 consolidated the Act of 1835 and succeeding amending statutes, and applied the system to 25 more boroughs.

The public health movement was the response of comparatively primitive biological, engineering and statistical methods to a social problem which is new in the history of the world. This was the fact that by 1851 half the population of a great country was found to be living in towns, and by 1881 over two-thirds. Hitherto, large towns had been like camps to which the people of other places came to exercise their energies and industry, now they would become the birthplaces of a large part of the race. It was, therefore, desirable, wrote William Farr, the statistician, that they should be so organised "that the worst of all birthplaces—the crowded room, or the house of many families—will never be the birthplace of any considerable portion of the British population." The coming problems of preventive medicine, of housing and of town and country planning had cast their shadows before them.

The first intimation of the scale of the new problem was given by the Poor Law Commissioners when they sought to understand the causes of the pauperism they had been appointed to reduce. From the statistics collected by the newly-established office of the Registrar General, it was

possible for Chadwick, the Secretary to the Poor Law Commissioners, to prepare in 1838, a memorandum showing, that if the condition of the poor were to be permanently improved, some obvious causes of ill-health must be prevented. The cost of poor relief could only be reduced if the sickness which was its underlying cause were prevented. In 1842, Chadwick showed in a further report that public health was the essential need of an industrial society. A further report of 1845 urged that local authorities which were entrusted with the carrying out of sanitary laws should have their powers enlarged and areas appropriate to their work. Of fifty large towns in England and Wales, scarcely one had a good drainage system and only six a really pure water supply. The essential minimum provision against a deadly dirt was the establishment of a single authority in every area to be responsible for clean water, proper drains, and streets which should not be open sewers, under the supervision and inspection of the central government. The fear of cholera and the plague reinforced the lessons of the new vital statistics, the various reports on the conditions of the towns, and in 1848 the Public Health Act was passed. It set up a General Board of Health as a central authority, with power to create a local health district and a local board, either on petition from the local ratepayers, or where the local death rate was more than 23 per 1,000. If the Act were adopted in a municipal borough, its town council became the local sanitary authority, subordinate in their new work to the control and inspection of a central department, though enjoying the local autonomy in their old, which the Act of 1835 had allowed. But outside the boroughs the adoption of the Act involved the creation of a completely new authority to carry out a great number of specific duties, including not only sewerage and drainage, but also the supply of water, the management of streets, the making and maintenance of burial grounds and the regulation of offensive trades. The areas of these local boards, where

they were established, were closely related to the unions for poor relief. In 1846 a Nuisance Removal Act had been passed, giving this duty to the Boards of Guardians, which were for the first time recognised as a rural sanitary authority. For the new powers, the urban parts of the unions were made separate boards of health and an Act of 1868 restricted the adoption of Public Health Acts to places containing not less than 3,000 inhabitants. From the fact that the urban part of the union area was made an urban sanitary district, while the rural area which was left became the rural sanitary district, has resulted the anomalous shape and sizes of the urban and rural districts of the present day.

The new Central Board of Health was heavily criticised and, after some reconstruction in 1854, it was dissolved in 1858, but the public health movement had secured the establishment of some 670 local boards of health. The limitations of this early movement were partly the result of the feebleness of Parliament, between the Repeal of the Corn Laws in 1846 and the reinvigoration of political life by the extension of the suffrage in 1867, but mainly they were inevitable from the scanty and confused knowledge then available about the nature of disease. That there was some co-relation between dirt and death was obvious, but the precise nature of the linkage was not understood. The automatic removal of filth by economic incentives, which is common in an agrarian society, because all organic waste has a value as manure to repay the cost of carriage, had ceased to operate in the new urban concentrations. But the cost in disease and death to the community of not removing filth could only be demonstrated by adequate statistics and a developed sanitary science. In the 1840's the technique of drainage was as backward as the technique of aeronautics before 1914. Members of Parliament were "bewildered by the technicalities and conflicting opinions of the building experts on the sizes and shapes of drains, the respective value of gully holes,

grates and traps, and the mysteries of hydraulics." In 1850 taste was still the method used by inspectors to test the purity of water supply. Nor was the real need for proper sanitation made clear until the discovery of the microbe revealed the hitherto missing link between stinking miasmas and deadly fevers.

Whatever the scientific basis of good health, the parliaments elected by the enlarged electorate after 1867 were clear that there was an unnecessary confusion and variety in the forms of local government, particularly in poor law and in public health. The Royal Sanitary Commission, which was appointed in 1868 and reported in 1871, described a chaos of areas and a chaos of authorities, which made a vigorous local government unattainable.

In 700 urban sanitary districts there were either the Town Councils of the Boroughs, Improvement Commissioners, or a local Board empowered to carry out the Public Health Acts. But they had not made vigorous use of their powers. And if sanitary administration was backward in the towns it was almost non-existent in the country. The Boards of Guardians had shewn little energy in putting the Nuisance Removal Acts into operation. The Commission therefore recommended the creation of a strong and competent central department, a code of sanitary law and a radical revision of the existing chaos of local areas. In urban areas there should be a single authority, the town council in the municipal boroughs, and in other places of more than 3,000 inhabitants, a local board. In rural districts the poor law union should be the sanitary area and the Boards of Guardians the sanitary authority. Where a union was partly urban and partly rural, the Boards of Guardians representing the urban part were to be excluded from the new rural authority, while the rural sanitary district would be the rural part of the mixed urban and rural union.

The Public Health Act of 1875 revised and codified the

existing laws relating to public health. It provided a sanitary code for the new central department (the Local Government Board of 1871) and a simplified pattern of urban and rural sanitary authorities. But the structure of English local government was not yet complete. There were town councils with general powers in the boroughs and there were urban and rural sanitary authorities for the rest of the country, but for all functions other than poor law and sanitation there were no general elected authorities outside the boroughs. This was not secured until 1888 when elected County Councils were established.

As early as 1836 the radical Joseph Hume had introduced a county board bill to replace the nominated Justice of the Peace by an elected authority. But there was no real drive behind the movement. Until the Ballot Act of 1872 provided secret voting, the ordinary voter in the counties showed deference to the various forms of "legitimate influence" which the larger country gentlemen could use, and in the towns, the middle-class electorate were not concerned to press for far-reaching change. For a time the powers of the Justices of the Peace were actually increased. In 1835 the management of the police outside London was transferred to the statutory Watch Committee of the town councils. In 1856 every county was given the duty of organising a police force of which one-quarter (and later one-half) the cost was met by the Treasury, if the Home Office certified that a proper standard of efficiency had been secured. And so the non-elected Justices of the Peace in Quarter Session became the police authority for the counties, subject to the control of a government department backed by a substantial grant in aid. In 1861, J. S. Mill, in a chapter on Local Government in his *Representative Government*, said that the administration of counties by the Justices in Quarter Session was the most aristocratic feature of English Government. They were responsible for a variety of duties ranging alphabetically from

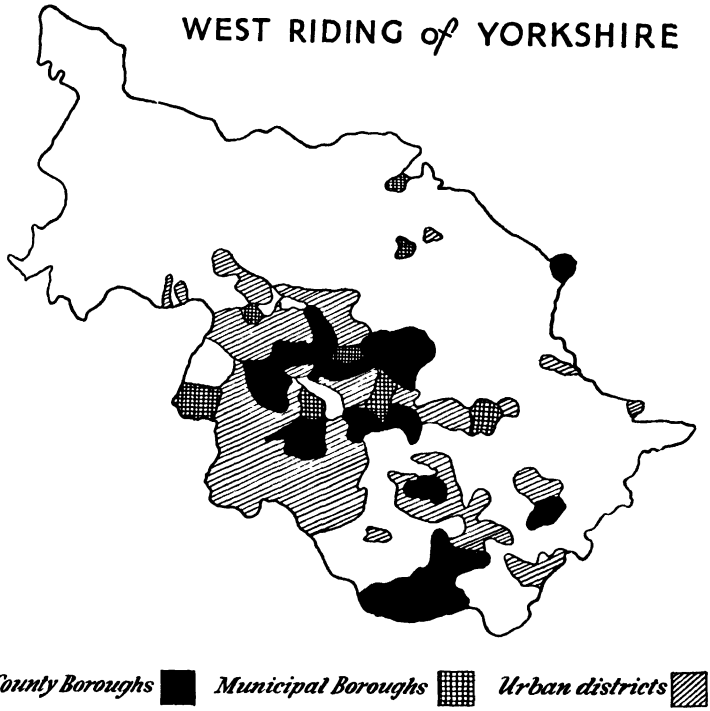
adulteration of food and drink, bridges, contagious diseases of animals, to the formation of highway districts and the provision of lunatic asylums, the licensing of public-houses and slaughter-houses, the valuation and assessment of the county for the county rate and the preservation of wild fowl. But in 1870 the principle of an elected authority was introduced to deal with the vital question of providing an essential minimum of education for the new political democracy created by the Reform Bill of 1867. The whole of England and Wales was divided into School Districts which had either to be Municipal Boroughs, the Metropolis or (outside London) one or more parishes as the central department might determine. In district where there were no voluntary schools to provide elementary education, or if the accommodation was insufficient, School Boards were to be formed to meet the deficiency. So by 1871 for three essential public services—the relief of destitution, the provision of sanitation and elementary education—the device of *ad hoc* specially constituted authorities had been used. Even in the boroughs there was a variety of authorities—the Unions and the School Board being separate from the Town Council.

A local government map of England and Wales would in 1880 have suggested the idea of a designed confusion. The borough, the sanitary districts, the union and the school board district were of confusion all compact. There were large boroughs with no clearly-defined boundaries belted in with urban districts so closely packed as almost to jostle one another, and so small as to furnish few or none of the materials needed for efficient government. There were boroughs with half a million population, like Liverpool, and others with a few hundred like Shaftesbury. There was Leeds with its 21,000 acres, and Chard with no more than forty. In the urban sanitary districts there were populations ranging from West Ham with over 100,000, to West Worthing, in Sussex, with about 300. And in the rural areas confusion reigned

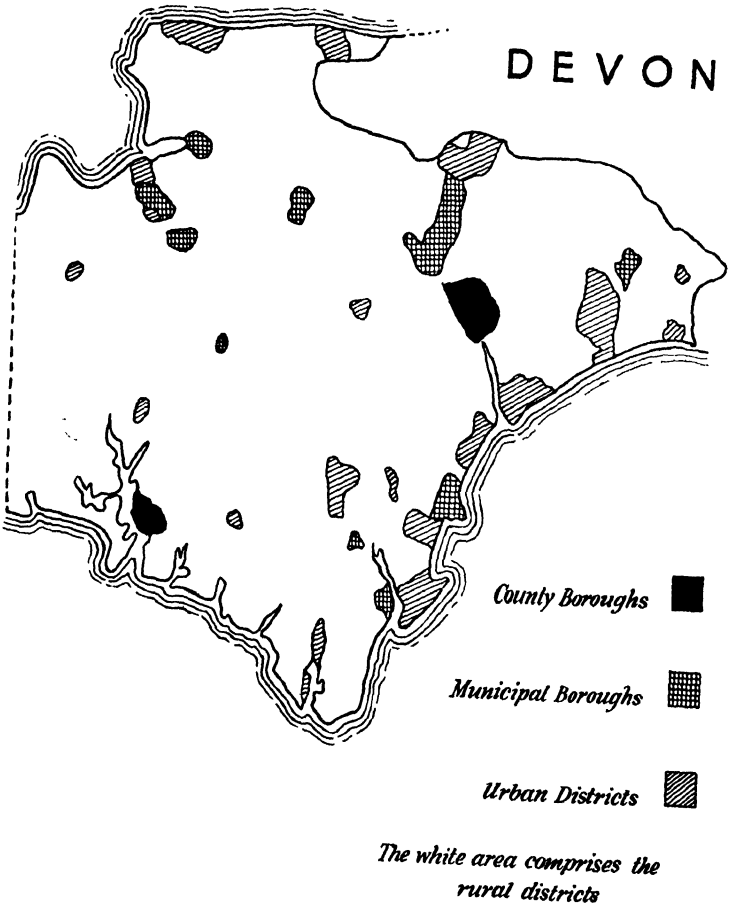
supreme. "In regard to the area of government, the powers to be given within it, the authority which is to exercise that power, the incidence of the rate which the authority is to levy, the date of the election and the method of holding it, the qualification of the electors and the elected, and the duration of office," each Act which had been passed since 1832 had proceeded on a plan of its own till an absolute and unrivalled chaos had resulted.

Mr. Gladstone, when he introduced the Reform Bill of 1884, remarked that "the strength of the modern state lies in the representative system," and in 1888 a conservative government applied the system to rural local government. The administrative duties of the Justices of the Peace were transferred to elected councils for the counties. The change was partly due to pressure brought by Mr. Chamberlain's Liberal Unionists. The Radical Programme of 1885 had stated that "the great work of the renovated Parliament of 1832 was the establishment of local government in towns" and "that the great work of the Parliament of 1868 was the extension of the sphere of local government in the business of national education." It asked that outside the municipalities the country should be divided into urban and rural districts, each with a single elective authority based upon the household suffrage and dealing with all the subject of local administration. These "primary local bodies" were to be supplemented by County Councils dealing with interests which extend beyond the boundaries of the smaller districts and which these districts may be said to share in common with them, such as for example, high-roads and prisons.

By the Local Government Act of 1888 the principle of local self-government which had been granted to the urban householder in 1832 was extended to the countryside. The Justices in Quarter Sessions had been responsible for the county police, county asylums, the granting and renewing of licenses for the sale of intoxicating liquor, and the control of



The white area comprises the rural districts


DEVON
County Boroughs
Municipal Boroughs
Urban Districts
The white area comprises the rural districts

the movement of cattle if there were an outbreak of cattle plague. They were responsible, too, for the general control of highway administration. While all their administrative powers were now transferred to an elected County Council, it is a measure of their power and their prestige that the control of the police was reserved for the control of a Joint Committee of the County and the Justices in Quarter Session.

The Act provided for the creation of a new administrative county for the London area of approximately 117 square miles cut out from the territories of the three geographical counties adjoining the city of London. But although the London area was thus specially provided with a newly-created county, in the rest of the country the geographical counties were only partially altered for their new administrative careers. Some of them were divided, e.g., the Ridings of Yorkshire, but no attempts were made to secure that the new Administrative Counties should have either the area or the rateable value per head which might be necessary for the work which they would have to do. As with the Boroughs in 1835, so with the Counties of 1888, the principle of the continuity of traditional areas triumphed over any thought that they might be reshaped for the work in hand. Though the average size of the counties was approximately 1,000 square miles, Yorkshire was forty times the size of Rutland. Though the average population, according to the census of 1881, was about 500,000, Rutland had only 21,400, Yorkshire 2,700,000 and Lancashire 3,450,000.

The framers of the Bill had envisaged the new county authority as an intermediary governing body between the central authority and the smaller local authorities, consisting of the boroughs and a reasonable plan of urban and rural district councils. Only the largest boroughs with populations of approximately 150,000 were to be excluded from this dual system and given a special status. But the conception of the county as a combined urban and rural area capable of provi-

ding all the services which might be required within its area was defeated by the unwillingness of any of the larger boroughs to be included for any purpose within an area which might be controlled by an elected authority dominated by rural interests. The Bill was amended in committee to exclude 57 municipal boroughs which had populations of more than 50,000 and four others—Canterbury, Chester, Worcester, and Burton-on-Trent—which had less, from the jurisdiction of the new county authorities. These were given the name of County Boroughs because they were to have all the powers of a borough and, in addition, all the powers which a County Council would have exercised in their area had it not been specifically excluded. Between 1832 and the extension of the suffrage in 1867, any serious care for the control of the external conditions of good citizenship had come from reformers willing and able, as were Chadwick, Ashley and Dickens, to make their way against the apathy into which politics had sunk after the repeal of the Corn Laws in 1846 had extinguished the only issue which could divide the narrow electorate of the Reform Bill of 1832. The record of innovation in reform which the large towns could show made it impossible for them to accept the control of their areas by the county interests.

In 1894 the complex structure of English local government was further simplified. The Local Government Act of 1894 provided that urban sanitary authorities should be called urban district councils and their districts urban districts. This was more than a change of name. Prior to 1894 the urban sanitary authorities were either Improvement Act Districts governed by Improvement Commissioners under a local Act, or Local Board Districts constituted by the Local Government Board under the Public Health Acts of 1848, 1858 and 1875. The new Urban District Councils which inherited their powers, unlike the authorities they displaced, were given a purely democratic constitution based on the

municipal pattern and, as they had no Aldermen, the most democratic franchise known.

Rural sanitary districts before 1894 were the parts of a Union which were not within a Borough, an Improvement Commissioners District or a Local District Board. The Act of 1894 provided that no rural sanitary district should cut a county boundary. It established, too, new rural district councils to which were transferred "all the powers, duties and liabilities of the rural sanitary authority in the district" and the powers of any highway authority. The relation between the Guardians and the Rural District Council were reversed. Prior to 1894 the rural sanitary authority had been the Guardians for that area of the Union of which it was the rural part. Henceforth, instead of having a rural sanitary authority as the result of an election of guardians of the poor, the poor law authority was the result of an election of rural councillors. Every rural district councillor was to represent his parish on the Board of Guardians, and in rural parishes there would no longer be any special election of Guardians. The property qualification for Guardian elections was replaced by the principle of one man one vote without distinction of sex.

The Act of 1894 established the Parish Meeting and the Parish Council for the rural parishes. Every parish included in a rural district was to have a Parish Council if it had a population of more than 300 or, if having between 100 and 300 people, the County Council gave permission. Where a rural parish did not have a council, it was to have a parish meeting.

The Local Government Act of 1888 had set up what may be described as a dual system of local government—in very large towns the council of the county borough was the sole general authority; while elsewhere the powers of local government were shared between the county councils and urban and rural district councils within the county area. This dual system is still an essential feature of English local govern-

ment. The relation between the county boroughs and the administrative counties by which they are surrounded has often been difficult. In some administrative counties there are no county boroughs and the government of the area is shared between the county council and the councils for the urban and rural areas into which the county is divided. In others there are one or two county boroughs and the two systems may co-operate without any difficulty. But in some counties there are many county boroughs and large urban districts eager to qualify for county borough status. The sketch maps facing pages 48 and 49 show the simple case of Devon and the complex pattern of urban authorities in the administrative county of the West Riding of Yorkshire.

CHAPTER III

The Development of Central Control, 1832–1888

The relations which have been established between the local authorities and the central government are as subtle as the British constitution itself and can be very easily misrepresented. Their inner nature must be distinguished from their external forms and the underlying principles disentangled from the dreary details. This will be easier to do if we consider first some obvious facts about the relations between the central and local governments in England and Wales. The department which is most concerned with local authorities is the Ministry of Health and that department had its origin in the special form which poor relief and sanitation took in England before 1870. We have no Ministry of the Interior able to manipulate the political and administrative life of local areas in the interest of the government of the day. There are no officials in the local areas who are directly under the control of the central government—the Justices of the Peace have now only judicial powers and the Lord Lieutenant and the Sheriff have mainly ceremonial duties; the Mayors are elected by the local councils and owe no special allegiance to the government in power. The local authorities have an independent source of revenue in their power to levy rates, but they need considerable financial help from the central government, which is given mainly in the form of grants in aid. These have only recently been placed upon a general scheme and until 1929 were as varied and empirical as were the powers of the departments which administered them.

The remaking of local government after 1832 was accompanied by a revolution in the work of Parliament. The Reform Bill of 1832 caused a profound change in the work and methods of the House of Commons. Its duties were continuously increased. Hitherto, changes in the law had

been proposed by independent members and were carried, not as party questions, but by the combined action of both sides. After 1832 the government of the day found that it must answer to the opposition as much for its legislative programme as for its administrative errors. In 1839, Sir Robert Peel stated in the House that the claim of a government upon the public confidence "was infinitely stronger on account of their legislative measures than on account of their administrative acts." The era of innovating legislation had begun. In the case of local government this meant not only the passing of such general legislative measures as the Poor Law Act of 1834, the Municipal Corporations Act of 1835 and the Public Health Act of 1875, but the development of a special procedure for the consideration of local Acts. Parliament had to relieve itself of the crippling congestion which the 18th century practice of a free-for-all debate on every trivial consideration of local interests would have involved. In 1837, Standing Orders in the Lords reduced the membership of the committees which considered private legislation to a few members selected by the Committee of Selection solely with a view to their competence and impartiality. The House of Commons did the same a decade later, and in 1846 began the practice of sending each private bill to its appropriate department for unusual clauses to be reported upon. In 1858 committees which disagreed with the departments' views were directed to give their reasons and to invite the Civil Servants concerned to appear before them. In 1884 the House of Commons set up a committee of fifteen members "to whom shall be committed all Private Bills promoted by Local Authorities by which it is proposed to create powers relating to Police or Sanitary Regulations in conflict with, deviation from or excess of the provision of the general law." In 1909 the committee was renamed the Local Legislation Committee and its terms of reference were widened to cover the supervi-

sion of all kinds of legislation which it had in practice come to exercise.

While progressive local authorities were seeking an extension of their powers by private Act, Parliament was providing methods by which these could be extended to every area where they were appropriate. The Towns Improvement Clauses Act of 1847 set out in 216 sections the provisions usually contained in local Acts for the paving, lighting, cleansing and draining of towns and these could be incorporated by reference into any private Act. Further, to remove the congestion in parliamentary work, Adoptive Acts were passed which would come into effect when they were adopted by the areas concerned. By this means a method of experiment by progressive areas and adoption of successful experiments by those who had been converted, could prepare the way for general legislation, in which Parliament imposed upon all areas of a certain kind powers and duties which had been proved essential for the public good.

Between 1832 and 1888 the relations between the central government and the local authorities were influenced by three new problems: the relief of destitution in a new industrial era when the predominance of the theory of *laissez faire* among those who had the vote made any control difficult to get; the safeguarding of the people's health in entirely new conditions of crowded and dirty living when little was known about the nature of disease or the methods by which it could be controlled; the fumbling search for a form of government which would be representative and competent. It is significant that the year in which the first competent department for the control of local government and sanitation was set up, 1871, was also the year in which the first important steps were taken to form the modern Civil Service. In the period between 1832 and 1888 there were also to be felt the first intimations of the further revolutions in transport, in education and the need to plan at least the external conditions of

social life which after 1888 were to create the local government we know today.

Although in 1838 the new office of the Registrar General had started to collect the vital statistics from which the causes of disease might begin to be inferred, there was as yet no real knowledge of the factors which determine population, the incidence of disease or the causes of unemployment. The dominant theory of *laissez faire* was right to stress the importance of individual enterprise in a period when the technique of public control was in its infancy. But it had yet to realise that the specialisation and interdependence, which the application of science to industry would create, would need a range of state control unknown in the scattered rural life which hitherto had been the common pattern of the world. It is not, therefore, surprising that the first poor law and public health arrangements should compare with the proposals of the recent Beveridge report, as Stephenson's Rocket with the stream-lined Flying Scotsman, or the first bone-shaker with the modern motor-bike. The methods which were first used to deal with destitution were carried over into the almost equally unknown problem of public health, and around the technique of these two services the main lines of central-local relations were developed. The policy of the Poor Law Commissioners between 1834 and 1847 determined the form of English Poor Law policy and much of the technique of the control of local authorities down to 1929. It was their investigations which stimulated the early public health movement, and when a central department for local government in general was established in 1871, it took over the powers of the Poor Law Commissioners, and in 1918 the Ministry of Health was to inherit both the traditions of the poor law of 1834, and the new techniques which were developed by the later public health movement after 1870.

The importance of the poor law in local government was

gradually overshadowed by the development of the wealth of services which were required by a growing democratic movement in an increasingly scientific age. These new services were usually initiated by the more progressive towns and were then applied to the rest of the country by Parliament, with appropriate controls by the government departments concerned. Before 1870 the important services were police and public order, the maintenance of the roads, and public health. But after the Reform Bill of 1867 the other great functions of local authorities, such as education, housing and town planning were to grow rapidly in importance until today they overshadow the destitution and sanitary powers for which the Local Government Board was mainly responsible.

In 1834 the legal and constitutional position of the Poor Law Commissioners was an innovation. The problem with which they had to deal was only dimly understood. The control of elected authorities by a central department had never before been attempted. And this new department had been made independent of Parliament. The poor law was to be taken out of politics. Behind this policy lay the assumption that the disease of pauperism could be cured if an unemployed man were never given more than a man in work could earn. This assumption was unsound. It implied that the lowest-paid worker could keep himself and his family always fit enough, neither to sicken nor to beg, and that the only cause of poverty, except bereavement and old age, was unwillingness to work at a proferred wage, which would be adequate and fair just because it was competitive. A century of thought and suffering has dispelled that illusion. But, at the time, the labourers of England thought that the new poor law was a law to punish poverty. It was opposed by every leader of the factory movement. In the north it was one of the causes of the Chartist movement. The poor law commissioners were christened the Three Kings of Somerset

House and were more abused than even the most competent bureaucrat had reason to expect. As they were an independent body uncontrolled by any Minister and with no one to defend them in the House of Commons their position was impossible. They were exposed to the insults of all the refuse of the House of Commons without the power of defending themselves. This large-scale experiment in the control of elected authorities by a bureaucracy, which was not protected by a responsible minister, has been described and its moral drawn in a well-known passage of Bagehot's *English Constitution*:

"The experiment of conducting the administration of a public department by an independent unsheltered authority has often been tried, and always failed. Parliament always poked at it, till it made it impossible. The most remarkable is that of the Poor Law. The administration of that law is not now very good; but it is not too much to say that almost the whole of its goodness has been preserved by its having an official and party protector in the House of Commons. Without that contrivance we should have drifted back into the errors of the old Poor Law, and superadded to them the present meanness and incompetence in our large towns. All would have been given up to local management. Parliament would have interfered with the Central Board till it made it impotent, and the Local Authorities would have been despotic. The first administration of the New Poor Law was by Commissioners . . . The system was certainly not tried in untrustworthy hands . . . But the House of Commons would not let the Commission alone. For a long time it was defended because the Whigs had made the Commission, and felt bound as a party to protect it . . . But afterwards, the Commissioners were left to their intrinsic weakness . . . there were members for all the localities, but there were none for them . . . The Commission had to be dissolved, and a Parliamentary head was added; the result is not perfect but

it is an amazing improvement on what would have happened in the old system. The new system has not worked well because the Central Authority has too little power; but under the previous system the Central Authority was getting to have, and by this time would have had, no power at all."

It was impossible for a group of officials to impose on elected boards a policy which might be repudiated by a majority of the House of Commons. So in 1847 the Poor Law Commissioners were replaced by a Poor Law Board which was virtually a Ministry for Pauperism with a Minister (the President of the Board) sitting as a member of the government, either in the House of Commons or the House of Lords. The Board consisted nominally of the Lord President of the Council, the Lord Privy Seal, the Home Secretary and the Chancellor of the Exchequer ex-officio, together with the President and two Secretaries, one of whom, like the President, could sit in Parliament. The ex-officio members of the Board were never summoned and the Board itself never met, but functioned under the President as an ordinary government department.

In 1848 the Poor Law Board was the model for a central Board of Health. This was the result of the public health movement which had been stimulated, partly by the ravages of the cholera, partly by the reports on the appalling conditions of the undrained and ill-watered towns, but even more by the beginnings of a scientific study of the causes of diseases. With the first cholera alarm in 1831 an emergency consultative Board of Health under the Privy Council was established which issued various Orders in Council of pathetic ineptitude for the control of the disease. After 1834 the investigations of the Poor Law Commissioners into the relation between the distribution of disease and destitution gave a political point to any enquiries which humanitarianism or scientific interest alone would not have had. In 1838 they drew attention to the expenses "caused by nuisances by which contagion is

generated and persons reduced to destitution." In 1842 their report, written mainly by Chadwick, on the *Sanitary Conditions of the Labouring Population of Great Britain*, stated, "that the various forms of epidemic, endemic and other disease aggravated or propagated chiefly amongst the labouring classes by atmospheric impurities produced by decomposing animal and vegetable substances, by damp and filth, and close and over-crowded dwellings prevail." The general dirt no individual could control; some collective effort was needed to prevent the disease which battened on the poor from killing the rich as well. Fevers were no respecters of persons and could pass from the poor man at the gate to the rich man in his hall. Some machinery was required to attack the gross environment defects. "Something of a central authority is needed to wrestle with the selfishness of wealth," wrote the *Times* in referring to the resistance offered by vested interests to any public cleansing. In 1848 the Public Health Act established a General Board of Health modelled on the Poor Law Board. A President (the Commissioner for the time being of Her Majesty's Woods and Forests) and other persons appointed by the Crown constituted the first central authority for public health.

The control which the new Board might exercise over the local boards was much reduced in the passage of the Bill through Parliament. The three important offices of Clerk, Surveyor, and Inspector of Nuisances were to be appointed by the local boards and removed by them, subject only in the case of the Surveyor to the approval of the General Board. The local boards were allowed to appoint their own auditors. There was no grant in aid to soften the harsh voice of central command. The central authority had, in short, more opportunity to irritate local interests than it had power to overcome obstruction. Sanitary science was in its infancy and not every official could explain the proper merits of every rival drain. Moreover, there was a shortage of skilled and trained officials

to carry through the scheme, and Chadwick's notorious lack of tact as an administrator further hampered the policy of the Board. Although many important reports were made by the Board upon cholera, quarantine and the burial of the dead, upon water impurities and the best ways of removing and deodorising the sewage of towns, in 1854 it was ended by the House of Commons, Disraeli and Bright both agreeing it should go.

A new Board was established with substantially the same powers, but this too was ended in 1858, its local government powers going to the Home Office, its scientific and medical functions to the Privy Council, and those concerned with contagious disease to the War Office.

The result of this interplay between imperfect knowledge, tactless administrators and timid politicians was revealed by the report of the Royal Sanitary Commission which was appointed in 1868. In 1871 it reported that a single and powerful Ministry was necessary to set local life in motion. Such a Ministry would not threaten local initiative; local government was being strangled by its own confusion of areas and authorities; it could be revived by reasonable reshaping control. A single authority was necessary for the economic and efficient administration of two services so closely and necessarily related as public health and the relief of destitution. Sanitary law and jurisdiction ought to be uniform, universal and imperative. Somewhat nervously, the government took the plunge and established the Local Government Board in which were combined the Public Health branch of the Privy Council, which since 1858 had carried on the scientific and medical functions of the old Board of Health; the Local Government Act department of the Home Office which dealt mainly with loans to municipal corporations and urban areas; and the Poor Law Board itself.

The first permanent secretary to the new Local Government Board was Tom Taylor, who as early as 1857 had out-

lined the ideas of inspection from the centre reinforced by grants in aid for approved policies, which were to play so great a part in the development of central control of local authorities in the next fifty years. But the new department was divided against itself. The civil servants who were responsible for poor law policy had given hostages to the policy of deterrence and less eligibility, while the position of the medical advisers in relation to general administrators had been imperfectly considered. Sir John Simon, the head of the medical section of the Privy Council, has described how on his transfer to the Local Government Board he was excluded from administrative work and from any personal discussion of general policy. As a technician, he was never on top and only intermittently on tap.

The Royal Sanitary Commission of 1868 defined the scope of public health to be the "ordinary supply of what is necessary for civilised social life," and included water, sewage, lighting, burial, and inspection of food. In 1875 the Public Health Act revised, codified and superseded all the laws relating to public health. In 343 sections and five schedules the whole of the English sanitary code and the organisation of local sanitary authorities were clearly set out. Town Councils, Local Boards and Improvement Commissioners were the Urban Sanitary authorities for the administration of the Act of 1875, while the Boards of Guardians served as "Rural Sanitary Authorities" for the same purpose. At the head was the Local Government Board, responsible for the supervision and control of all local administration. In the field of public health this was the culmination of an era which had been preoccupied with the removal of dirty water and the provision of clean. It had not been shocked by a general death-rate which was more than double that which exists today, for that rate was less than it had ever been. What had shocked the reformers was the discovery that the death rate of the poor was so much greater than that of the well-to-do

and they thought that their dirt was the cause of their death. In the 40's the word malaria did not mean the disease but the hypothetical poison—the *malaria* or bad air which was thought to be the cause of it. But in 1848, Pasteur had made his first discovery of the properties of assymetrical crystals, and from those experiments were to grow the science of bacteriology and the technique of modern surgery. Twenty years after the Act of 1875, which was so luminous a survey of the conditions of public health in the pre-microbe age, the standard text-books would be referring to animal and vegetable parasites, and the infection of bacteria, and preventive medicine would be firmly planted in its biological setting.

The new powers of local authorities involved them in increased expenditure. Neither the Poor Law Act of 1834 nor the Municipal Corporations Act of 1835 had provided any financial aid to the local authorities they set up. But any governmental activity which tries to provide the conditions for a free people's way of life will involve taxation or the compulsory transfer of income from individuals to the state. When the main outlines of our present system of local government were drawn up in 1888 the first systematic attempt was made to settle the financial relations between the local authorities and the central government. In it the historian can see the roots of the complex devices which have since appeared. And even before 1888 there were grants in aid, which from small beginnings have become one of the most important factors in the relation between Whitehall and the town and county halls. A new technique was being found which has become as important as Treasury control within the sphere of central government itself. After 1832 the central government "successively bought the rights of inspection, audit, supervision, initiative, criticism and control, in respect of one local service after another, by the grant of annual subventions from the national exchequer in aid of local finance." In 1830 the total payments by the central

government to local authorities was less than £100,000 for trivial odds and ends. Between 1830 and 1870 the receipts from rates in England and Wales rose from £8 millions to £16 millions and government contributions to £1,255,000. By 1888 the question was sufficiently obtrusive for the government to try to settle once for all the financial relations between it and the local authorities by providing them with an independent source of additional revenue to the rates which they could levy. This system of Assigned Revenues, as it was called, miserably failed, and led to the development of a common partnership between local and central governments, in which there is no possibility that the former should be entirely self-supporting.

To follow what has happened it is necessary to understand the nature of the rating system and the causes of the growth of grants in aid. It is only in this century that the real nature of the problems has been fully understood. But between 1832 and 1888 there were indications of far-reaching changes which have since occurred.

The English rate is a most peculiar tax with a pedigree from the Elizabethan age and even earlier. "Rates," said one important official enquiry, "are the contributions made by individuals, constituents of a local government community, to the expenses incurred in co-operative action for common purposes. The amounts to be levied are arrived at by apportioning the net expenses incurred by the executive body among the ratepayers according to the values of their respective occupations of real property." In simpler though less precise terms the local citizens contribute to the income of their local governments, not by means of a tax on their incomes as they do to the central government, but by means of a tax proportional to the annual value of certain kinds of immovable property (factories and houses), which they may happen to use in any given year. A rate might be loosely described as a tax on the occupier of a commodity called a

house. The annual values of the properties occupied "constitute the measure or gauge according to which they contribute, and the amount which each person has to pay is a proportion of the total amount to be raised." And just as the 2s. 4d. which I pay for an ounce of tobacco may include 1s. 9d. in tax, so may the total cost of my yearly use of a house include a sum for rates which may be greater than the actual rent. The rates, we say, may be more than 20 shillings in the £.

Local authorities find the rating system convenient because it is easy to determine what each inhabitant must pay and easy to collect what must be paid. All the councils need to know is the annual value of the properties, of which the occupiers are liable for rates and the amount which they wish to raise. Then if they divide the latter by the former they will know the rate in the £ which has to be levied. If the annual value of the property of which they, as occupiers, are liable for rates in their area is £2 million and they wish to raise £200,000, a rate of 2s. in the £ will bring in what they need; had the annual value been £20,000 and the amount they needed £200,000, then the rate would have been £10 in the £. As Professor Cannan has explained, "the real difference between rate and a tax which is not a rate appears to lie entirely in the manner in which the financial problem of raising money is approached. In the case of a tax, the taxing authority decides that the individual shall make particular payments on particular occasions, and the aggregate sum it receives depends upon how much these payments add up to. In the case of a rate, the taxing authority decides how much money it wants in the aggregate, and this amount is raised by apportioning the payment of it between the various ratepayers in accordance with some definite standard made for the occasion or already in existence. Thus, in the case of a tax the procedure is by way of addition, and in the case of a rate by way of division; in the case of a tax the taxing authority

hopes it will get a certain sum, in the case of a rate it knows it will get it." The essential character of a rate is the apportionment of a charge among the inhabitants of a particular area. Such rates were used in England even before the Elizabethan poor law. The cost of removal of nuisances in sewer carts was paid for by the inhabitants in proportions fixed by the acreage they owned. In this case it might be said that they were paying roughly according to the amount of service which they had received, for that would vary roughly with the number of their acres. But the important thing was that in an agrarian and decentralised community innocent of paper forms in triplicate (parchment being dear and bulky), even for services which it was thought men should pay for according to their ability to pay, the visible property of each could be taken as a simple measure of that ability. And if a man had many farms or manors in different areas, the value of his properties in each might be taken as the measure of his ability to pay in each. When this became the settled custom it was supposed by a natural confusion of mind that the acres and the houses were taxed, when they were only in fact the standard which determined the share of any charge which their occupiers should pay.

Before the Elizabethan poor law there were two principles of assessment in use. For the provision of sea defences or the destruction of vermin, assessment was made according to the proportion of the *benefit* from the expenditure which it was estimated the individual ratepayer received. But for the building of goals or for reimbursing persons robbed on the highway or who had suffered from the plague, assessment was made according to the *ability* of the ratepayer to pay. In modern terms, you pay for gas according to the amount which you use and for the fleet according to the income you possess. In assessing the *benefit* received from a local service it was assumed that each pound's worth of fixed property benefitted equally and it could also be assumed that for

services which were not directly beneficial to each but necessary for the good of all, *ability* to pay in a particular place was fairly measured by the value of the land and houses occupied in that place. The distinction between *beneficial* services and *onerous* services, and the plausible claim that a payment in proportion to the value of visible properties situated in a particular area would be a fair allocation of the cost of both, has played a great part in the intricate theory of local rates.

It was intended that the Elizabethan poor law costs should be assessed upon individuals according to their real ability to pay and not according to the value of the lands and houses they might possess. The poor rate was to be a local income tax upon the inhabitants of the parishes. But, in practice, a system of taxation according to ability to pay as far as it could be estimated was replaced by a system of taxation according to the annual value of the lands and houses which each rate-payer occupied in the areas concerned. Farmers and others came to be rated by the value of the lands or tenements they occupied and not by their neighbours' rough estimate of the profits they might be deriving from them. In 1836 the Parochial Assessment Act directed that the poor rate was to be levied on the basis of the net annual value of occupied property, which was defined as "the rent at which the hereditament might reasonably be expected to let from year to year free of all tenant's rates and taxes . . . and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses, if any, necessary to maintain them in a state to command such rent." So the proportion of local expenses which each inhabitant shall contribute is gauged by the annual value of the immovable property which he occupies as that property now is less than the sum which is required to keep it in a condition to command such value. In 1840 an Act was passed specifically exempting stock-in-trade from being rated for the relief of the poor.

As the cost of local government services grew steadily after 1832 a struggle began between the ratepayer and the taxpayer. The more any particular expense could be placed upon the general taxes rather than on local rates the less would be the burden on the latter. In the words of an official report, "in order to keep pace with the growth of local needs all over the country—such as better drainage and water supply, improved lighting and policing, better roads and streets, new municipal buildings, more efficient administration of the poor law and care of pauper lunatics, better primary education and housing of the working classes—there has been a constantly increasing expenditure to be met by local authorities, and, as a result thereof, a constantly increasing demand on their part for relief from the pressure of rates incidental to property, out of the public or common purse to which the whole community contributes."

In 1835 provision was made for £80,000 to be paid by the central government to meet half the cost of the expenses of prosecutions at assize and quarter sessions and £30,000 to meet the cost of removing convicted prisoners from local prisons. In 1846 the total cost of prosecutions was met and various new grants were made which mark the real beginning of the importance of grants in aid. In that year the duties on foreign corn were reduced—the Corn Laws were repealed—and it was obvious that the agricultural industry was about to lose the protection it had enjoyed. To soften the blow, Sir Robert Peel accompanied his Corn Law proposals with an undertaking that the State would in future pay the whole cost of conducting criminal prosecutions and of maintaining convicted prisoners and to pay half the cost of workhouse teachers, half the salaries of poor law medical officers and half the cost of drugs and medical appliances which the guardians might decide to use. The cost of poor law audit was also taken over by the State. Sir Robert Peel was careful to point out that in almost every case the assumption of the

charge by the State would be attended with some guarantee of improved administration or other public advantage. The grant in aid was here used for the double purpose of relieving the alleged unfair burden on the occupiers of agricultural land and to buy an improvement in the quality of local government work. A House of Lords Committee in 1850 admitted that, as a general rule, "whenever any expenditure whatever is proposed, the presumption is in favour of making it a national charge, paid out of the National Exchequer, and that an exception can only be made from the general rule on account of special circumstances arising in the particular case." But it also stressed the extreme caution with which this general principle should be applied. The unfairness of a tax exclusively imposed upon a limited class of property might be outweighed by two considerations: that it was expedient that the particular service should be under local rather than national management, and what had been the continued usage and the connection of the particular institution with the habits and usage of the country. In particular the Committee reported that it was not expedient that the general maintenance of the poor should be paid for out of national funds. Here we see the germ of a far-reaching problem: if it is expedient that some services should be locally administered, how should their cost be apportioned between the local authorities and the central government?

The future importance of the grants in aid was foreshadowed in the initial grants which were made for an efficient police and the upkeep of the roads. Ever since 1829 the government had made a contribution to the cost of the Metropolitan Police but this could be classified as a payment for a special service rendered to the state in the area of the seat of government. The success of the "peelers" encouraged the government to provide this necessity of ordered life outside the London Area. The Boroughs, under the Act of 1835, could provide their own, but the Counties still under the

Justices of the Peace had to be induced to do so. In 1856 the Police (Counties and Boroughs) Act allowed a grant of one-quarter of the cost of pay and clothing of the county and the borough police if they were certified by the inspectors of the Home Office to be efficient in numbers and in discipline. It might be disputed whether the upkeep of an efficient police were an onerous or beneficial charge upon local householders, but it was clearly in the general interest that the criminals who had left London when the "peelers" showed their skill, should not flourish in the countryside. But there were two services which local property owners thought should not be charged to their account. The gradual extinction of the turnpike trusts after 1864 threw upon the local rates the cost of keeping up the roads. The triumph of the railways had for the time being made the roads a merely local service. The residents were glad enough to see the toll-gates go, even at the cost of some addition to the rates. But while the gates were soon forgotten, the rates remained and seemed a burden which might be made the basis of a claim for further relief. The first grant in aid was made in 1882 and was only £250,000. But when the local roads were woven into national roads for through motor traffic the national grants had to be increased. The cost of education raised more subtle principles. In 1870 the Education Act was passed to make good the deficiencies in the teaching which the voluntary societies had struggled to provide. To have made the whole cost of elementary education a national charge in those districts where the voluntary system had failed would have seemed unfair to the contributors in other districts where it had not, and would, moreover, have led to the disappearance of their contributions. Nor were the voluntary contributors willing that the state should pay if that meant that it would claim to control. So local rating for education was accepted in principle but it led inevitably to a

still more vigorous demand for the relief of ratepayers in other directions.

As early as 1871 it had occurred to Goschen that an additional penny on the income tax might be collected and retained by the government, which would hand over as an equivalent the Inhabited House Duty to be collected and used by local authorities. The idea of handing over the proceeds of certain wisely-chosen items of national taxation for the use of local authorities and so giving them their own increasing revenue, seemed to promise a clear severance of local from central finance, leaving the Chancellor of the Exchequer untroubled by the claims of conflicting local interests. It was tried out in the system of Assigned Revenues of 1888. The annual grants for police, pauper lunatics, roads, poor law (a few items) and criminal prosecutions were discontinued and in return there was to be an automatic annual transfer to the Exchequer Contribution Accounts of every County and County Borough of 40 per cent. of the receipts from the licence duties collected on the retailing of beer, sweets, wine, tobacco, on refreshment houses, carriages, armorial bearings, male servants, dog appraisers, auctioneers, plate dealers, pawnbrokers, and on the shooting of game and the carrying of guns. These particular duties were chosen because they were thought to be "localised" in the sense that the burden of them fell entirely on persons resident in the locality in which they were collected. In addition, the proceeds of the probate duty were also to be made over as a sop to the people who demanded that "personal" property, by which they meant non-rateable property, should contribute to local taxation. But it was also necessary to determine how the proceeds of the transferred items of national taxation should be allocated among the local authorities involved. Three methods of distribution suggested themselves: population, rateable value, and indoor pauperism. The government chose, at first, indoor pauperism as the best gauge of the relief which was

required. But to ease the passage of the bill that basis was discarded and a jumble of conflicting principles was confusedly applied.

The full implications of this singular scheme are developed below. Here, it is only necessary to say that the argument of those who claimed that incomes derived from non-rateable properties and industry should make a contribution to the cost of local government which would otherwise fall unfairly on the occupiers of agricultural land, was based on a complete misunderstanding of the statistics. The increase in the cost of local administration was almost entirely in the towns and the value of rateable property had increased proportionately. Goschen's Report of 1871 showed that in about thirty years the rates had doubled from £8 million to £16 million; that the increase of £8 million, of which £6½ million had fallen on urban districts, was due to three main causes: the poor rate, which accounted for more than 2/8; town improvements, which were accountable for more than 5/8 and were clearly remunerative or beneficial; while the remaining 1/8 represented the cost of the police who also were clearly good value for the money especially to the owners of rateable property. During the same period the increase in rateable value had kept pace with the increase in local taxation and had been greater in the urban than in the rural areas. In 1893 it was officially reported that "at no period in the present century for which statistics are available for the purpose of comparison, has the rate in the £ of the rural areas been so low as it was in 1890 and 1891 in the great majority of the counties of England and Wales; and that the counties in which the fall in rates has been the greatest have, generally speaking, been the agricultural counties."

The claim of the agricultural interest to special assistance was based upon a misconception. But what really killed the assigned revenues was, as we shall see, the unwillingness of any government permanently to surrender the use of any tax which the Chancellor of the Exchequer might need.

CHAPTER IV

Changes in Areas and Functions, 1888-1929

In 1888 the larger towns had been provided with an elected County Borough Council, and the authority of the counties had been excluded. Within a County Borough the inhabitants might look to one elected authority for all the services which local government could provide. The School Boards which were a separate *ad hoc* authority for elementary education were abolished in 1902, and the Guardians of the Poor in 1929. For the rest of the country outside the County Boroughs there were the County Councils under the Act of 1888, which administered part of the local government services for the whole area of the administrative counties, and the urban and rural district councils under the Act of 1894 which administered those which were more suited to their smaller areas. There was thus a unitary system for the larger towns and, as there were parish councils within the rural districts, a two or even triple-tiered system everywhere else. The local elector in a County Borough had only to vote for the town council; while in a rural or an urban district he could vote both for his county and his district council. In the Counties, as in the County Boroughs, the School Boards were separate authorities until 1902 and the Guardians until 1929.

This system was the result of fifty years' experiment and compromise after the Reform Bill of 1832, and in its final form was uninspired by any general principles as clear as those which had secured the Acts of 1834 and 1835. It was completed before the advances in applied science which have made the texture of our local life in 1946 as different from that of 1888 as a moving picture from a daguerreotype. It was set up before the internal combustion engine had made possible the renaissance of the roads, and before the idea of a

social service state, responsible for the prevention of want, disease, squalor and unemployment, had found its way from the lectures of Ruskin to the official precision of the Beveridge Report, and caught the imagination of a people, who in 1918 had been given a first approximation to universal adult suffrage. As the social order has become something which in 1888 would have seemed rich and strange, so the structure of local government then set up has been under a stress and strain which could not be foreseen. Some provision had been made in 1888 to secure that it should be flexible and responsive to the facts of growth and change, but no general reorganisation was attempted until 1929, when a particular crisis gave the chance for a general revision.

The alterations in areas which could be made under the Act of 1888 were only piecemeal. There was nowhere any authority with the duty or the power to make a systematic review of the changing position. The Local Government Board could at the request of a county alter its boundaries, unite it with any other county or county borough and divide the county and alter any local government area partly within it. But, except in the latter case, the orders made were provisional and required parliamentary confirmation. The Local Government Board could, at the request of a borough, unite it with another or include an urban or rural district within it or confer upon it County Borough status. But the creation of new county boroughs was limited to municipal boroughs with a population of 50,000 and they too required parliamentary confirmation, so that the procedure when the counties resisted was expensive and protracted. Changes could be made in the areas of urban and rural districts and parishes by order of the county if they were confirmed by the Local Government Board.

The extension of county borough areas and the creation of new ones proceeded at a rate which aroused the fear of the counties. They were responsible for the provision of a

variety of services for health, education and communications which were difficult to plan if their areas were eroded by the growth of county boroughs or the creation of new ones. The boroughs, on their side, were often dissatisfied with the cost and quality of the services which the counties provided in their areas, and the vigorous county boroughs were eager to extend their frontiers to follow their growing populations as they spilled over into the county areas. Between 1889 and 1925 the number of county boroughs was increased from 61 to 82, involving a loss by the county councils to the county boroughs of some 100,000 acres, 1,300,000 population and £5½ million of rateable value. During the same period there had been 109 extensions of county borough areas which had transferred from the counties about 250,000 acres, 1,700,000 inhabitants and nearly £8 million in rateable value. In all, the counties lost 350,000 acres, three million population and some £14½ million in rateable value to the county boroughs. And this loss was, of course, concentrated in those counties in which the growth of urban areas had been greatest. The nine administrative counties of Lancashire, the West Riding of Yorkshire, Staffordshire, Worcestershire, Glamorganshire, Durham, Warwickshire, Hampshire, and Gloucestershire were the heaviest losers.

This frontier problem between Administrative County and County Borough was only a technical local government aspect of one of the most important world phenomena of the last hundred years, the concentration of population in great urban units or conurbations. Great Britain, as the pioneer of the industrial age, was the first to face the results of uncontrolled urban development. Up to the end of the 18th century London was probably the first city in the world to have a population of over a million, and the "Great Wen," as Cobbett called it, is still the most populous conurbation in the world. And in Great Britain there are today, in addition to London, six other great conurbations: Greater Manchester,

Greater Birmingham, Merseyside, Glasgow, West Yorkshire, and Tyneside, in which some two-thirds of the total population is concentrated. For in Great Britain the population is 518 per square mile, and in England alone 766, or 60 in excess of Belgium, the next most densely populated national area in the world.

The adjustments which were made were the result of occasional decisions on particular problems and were never part of a considered and comprehensive design. They should be seen in relation to the scale of the fundamental changes in social structure to which they were only an imperfect response.

Between 1889 and 1921 the population of England and Wales increased from nearly 26 millions (at the census of 1881) to 29 millions in 1891, about 32 millions in 1901 and nearly 38 millions in 1921, and this increase was not, of course, evenly distributed throughout all local government areas. The census returns make a distinction between the urban population living in urban sanitary districts, i.e., County Boroughs, Municipal Boroughs,and Urban Districts, and the rural population living in Rural Districts. Outside London the numbers out of every 100 which formed part of the urban population and of the rural population respectively and so defined were: in 1881, 53 and 32; in 1891, 57 and 28; in 1901, 63 and 23; in 1911, 66 and 26; in 1921, 67 and 21. This redistribution has been brought about by three changes: the natural increase of population within the existing boundaries of the local government areas which have remained either urban or rural in character according to the interpretation of these terms by the census authorities; secondly, by changes in the status of local government areas from rural or urban; and thirdly by the inclusion of areas or parts of areas which were previously rural in areas which were urban.

At the census of 1921 there were in England and Wales (outside London) 1,117 urban areas, of which 82 were County

Boroughs, 253 Municipal Boroughs, and 782 Urban District Council areas and 663 Rural District Council areas. The population of the urban areas was then about 25½ millions and of the rural areas about 7.85 millions. The area of the urban areas was about four million acres and of the rural areas about 33.175 million acres. The density of the population per acre in the urban areas was about 6.2 and in the rural areas about 0.2 per acre. Moreover, there were wide variations in the population of areas of the same legal status. Of the 82 County Boroughs, four had under 50,000 people and four had over 500,000. Of the 253 Municipal Boroughs and the 782 Urban Districts, 66 Boroughs and 302 Urban Districts had populations of 5,000 or less, while 11 Boroughs and six Urban Districts had between 50,000 and 100,000, and five Urban Districts (but no Boroughs) had more than 100,000 though less than 200,000. Of the 663 Rural Districts, 11 had populations of less than 1,000 and five had populations of over 50,000. The legal status or formal ranking of any local government authority was, therefore, no clue to the population or area for which it was responsible or its fitness to do the work which needed to be done.

Changes in the speed and in the methods of transport must obviously affect every detail of the working system of local government. The very meaning of locality must be a function of the mobility of its inhabitants. In the 80's of last century the average size of a county could be represented by a square of about 33 miles to a side and its superintendence involved long and expensive journeys which would devolve either upon highly-paid officials or upon gentlemen of means and leisure. The average size of a Union would be represented by a square of nearly ten miles to a side and such an area usually comprising a small town and its immediate neighbourhood might easily be traversed on horseback or in a carriage, so that most of the administrative business could be arranged to meet the convenience of farmers and trades-

people on market days. The average size of a parish could be represented by a square of two miles to a side so that every part could be visited on foot. For obvious reasons, therefore, the technique of local government and the supply of local administrative talent were determined by the mobility given by the railway, the horse and trap, or a willingness to walk. The railways had then a virtual monopoly of all but local traffic, a monopoly which was not yet broken by the motor and the bike. Since then, electricity and petrol have been used to provide so fine and swift a web of transport that the separation of the place in which men work from that in which they sleep has become an important social phenomenon. For local government this means that town and country are more subtly interfused and that fewer people can feel fully identified with one or other of the localities which share their lives. The Local Government Act of 1888 was passed in a world which was innocent of the changes in technology which have confused the frontiers and may confound the essences of the country and the town. The inherent difficulties of the very real social and political problems involved in the relation between town and country in a machine age have been further complicated by the peculiar historical development of our roads.

After 1840 the swift development of the railways killed any chance there might have been to develop a system of national roads. The steam engine killed the turnpike trusts as it killed also the canals. Before the industrial revolution had been thought of, the ubiquity of navigable water in this indented island and the absence of threatened frontiers requiring the support of straight and roman roads, had meant that:

> "The rolling English drunkard made the rolling English road,"

or in more prosaic terms, the parish and the squire were the local highway authorities. But in the generation before and during the Napoleonic wars small bodies of capitalists had

sought from Parliament the right to develop certain sections of road and this private enterprise, based on a system of tolls, had made with economy the best system of local communications in Europe. But after the Union with Ireland in 1801 there was a need for the development of a national system of roads. The Post Office was pressing for through communications between London and Holyhead, and Telford had obtained for them 194 miles of clear road by skilful bargaining, unbacked by statutory powers, with the various Welsh and English trusts which had, but were also in, the right of way. And while the Post Office was backing Telford, the Office of Works was backing Macadam, who had grasped the simple, but in every sense of the word revolutionary idea, that a road should be made for the wheels and not the wheels for the road. A road, he wrote in 1835, "ought to be considered an artificial flooring for forming a strong, smooth surface at once capable of carrying great weights and over which carriages may pass without meeting any impediment." Macadam would have admired that road which "was apparently made of glass, clear in places as still water and in places milky or opalescent, shot with streaks of soft colour or glittering richly with clouds of embedded golden flakes," on to which Mr. Barnstaple and his Yellow Peril were projected in 1922.* But in 1822 official opinion was toying with the idea that every user of an English road should use wheels which would be wide enough to roll it as he passed. And in 1835 it was as great an innovation for Macadam to suggest that a road should be without impediment as it would have been to suggest that the House of Lords should not impede the House of Commons.

Both the real roads of the Turnpike Trusts and the dream roads, straight, firm and free, envisaged by Macadam, were killed by the railway age. And, in any case, in 1820 only 21,000 out of 125,000 miles of public highway were under

*H. G. Wells: "Men Like Gods."

turnpike trusts and for the other 100,000 odd miles the parishes were the authorities, not only in the villages but in the sprawling urban areas as well. In 1835 the general Highways Act repealed all existing highway laws, other than those dealing with the Turnpike Trusts, and the parish meeting of ratepayers in the vestry were the 15,000 authorities for whatever roads there might be. Between 1830 and 1890, while the railways held the monopoly of long distance traffic, the roads were so many people's business that they were nobody's business at all. In 1848 the Public Health Act made the new local Boards of Health the surveyors of highways in many new urban areas. In 1862 the Highway Act set up a certain number of Highway Boards for combined parishes. In 1872 questions affecting highways and turnpike trusts were transferred from the Home Office to the Local Government Board, and in the same year, by the Highways and Locomotive Act, Quarter Sessions were directed to make highway districts coterminous with rural sanitary districts and to transfer the functions of the Highway Boards to rural sanitary authorities. But it was not until 1888, when the new County Councils and County Boroughs were made responsible for the maintenance of main roads and were given power to add to the dis-turnpiked main roads (which were ended in 1895) such others as they might think fit to regard as main roads, that the new road era began.

Soon after 1888, when the counties and County Borough Councils had become responsible for all important roads in the country, the bicycle and the motor car heralded the renaissance of the road and the intermingling for good or ill of the country and the town. In the 80's the only link between the village and the market town was often the carrier cart which journeyed between them once or twice a week. Not only had the oldest inhabitant never seen the sea or even visited a town, but the children had to put up with the education which the village could provide. But in 1876

the modern safety bike was invented by Lawson; marketed in a practical form in 1885, and cushioned by 1891 on pneumatic tyres, which had been invented in 1889. In the 'nineties the hero and heroine of the *Wheels of Chance* were awheel and the unfortunate Mr. Maltby had the alarming collision with Lady Rodfitten, so feelingly described by Max Beerbohm in *Seven Men*. But the cyclists were only heralds of the car. Steam coaches had appeared in the 40's, but they had been opposed by the railways and taxed off the roads by turnpike tolls. For the real barrier was weight. A 20 h.p. steam carriage, able to carry eight people, weighed nearly four tons. In the 80's the Daimler petrol engine won the freedom of the open road because it would give one h.p. for every 88 lbs., a ratio of power to weight which has since risen to one to one. In 1896, the Red Flag, or Locomotive Act of 1865, which had required all mechanical vehicles to be preceded by a man carrying a red flag, was repealed. Although in 1904 the motor car was still a rich man's luxury and the hansom cab the gondolier of city life, from that time on the revolution can be tabulated.

	Private Cars	Motor Cycles	Hackney Vehicles (not Trams)	Goods
1904	8,400	—	5,300	—
1913	105,700	97,700	38,500	—
1922	314,700	377,900	77,600	150,000
1930	1,000,000	724,000	101,000	348,000
1936	1,600,000	505,000	86,009	459,000

(From Appendix I, 8th day, 2nd December, 1937, Minutes of Evidence, Royal Commission on Geographical Distribution of Industrial Population.)

These swarming wheels had to have new roads. In 1909 the Development and Road Improvement Act for "the purpose of improving facilities for road traffic" created the Road Board, which administered a "Road Improvement Grant" which was fed by the proceeds of duties on motor

spirit and licences for motor cars. In 1920 another Road Act set up a road fund which was fed from a tax on motor vehicles and used to assist local authorities in the work of improving the roads by grants from the fund administered by the Ministry of Transport. In 1929 the Local Government Act abolished the rural district as a highway authority, save in so far as some of them were permitted to act as agents of the County Councils, and with certain exceptions the main roads in urban districts and non-county boroughs passed to the County Councils. This reduced the number of road authorities from 2,210 to 1,415 in Great Britain and in England and Wales to 62 counties, 112 county and metropolitan boroughs and 1,000 non-county boroughs and urban districts.

Equally important as the effect of the driver has been the influence of the doctor on the structure and the powers of local authorities. Even as late as the decade 1871-80, the average annual death-rate in Great Britain was 20.3 per 1,000 (standardised)* but each succeeding decade has seen a steady improvement and at the end of the ten years 1921-30 the average rate had fallen by more than 47 per cent. to 10.6 per 1,000 in England and Wales and by 40 per cent. to 12.2 in Scotland. The improvement has been the greatest in the large towns and manufacturing districts where the dangers to health had once been so great. The average annual death-rate for Lancashire in 1921-30 was as much as 50 per cent. below the rate in 1871-80. In England and Wales between 1911-14 and 1931-34 the standardised death-rate fell by 31 per cent. in county boroughs and 28 per cent. in other urban districts, as compared with a reduction of 22 per cent. in rural districts. Plague, cholera, smallpox, typhus, and scurvy have

*The standardised death-rate represents the number of persons who would have died in a year out of each 1,000 of the population if the sex and age constitution of the population to which it relates had been the same as that of the census population of England and Wales in 1901.

disappeared. The mortality from tuberculosis has declined from 2,772 per million in 1851 to 639 per million in 1933. The expectation of life at birth which is now 60 was 38 in 1839. These improvements have been brought about by advances in science and medicine, the development of environmental services, such as the supply of clean water, good drainage, and the beginning of town and country planning and of personal medical services such as maternity and child-welfare, school medical services and the institutional treatment of disease. Nor must we forget the unemployment insurance scheme and the provision of widows', orphan and old age pensions, nor the increase in the general standard of living with all that it implies in the way of better eating, clothing and external conditions of life.

The effect of the new medical science, e.g., the discovery in 1882 of the bacillus for tuberculosis, of the antitoxin for diphtheria in 1890, and the development, after the Liberal victory at the polls in 1906, of social services such as pensions for the aged (1909), national health insurance and unemployment exchanges (1911), made for a new tangle of areas and duties in the authorities responsible for the administration of public health services. The Public Health Act of 1875, which codified the law of the era of tangible drains, was not followed in the era of the invisible germ by a clear concentration of powers at the centre or of areas and powers in local areas. The principle that "all powers requisite for the health of towns and country should in every place be possessed by one responsible local authority" was not enforced. Outside the County Boroughs the new powers were divided on no very clear principles between the County Councils and the district councils within their area. After 1875 the district councils, which had been established in 1872, began the provision of hospitals for infectious disease. In 1907 and 1915 the Notification of Births Acts provided for the supervision of the health of young children and expectant nursing

mothers. Tuberculosis was made compulsorily notifiable in 1912. Provisional institutional accommodation for sufferers from the disease began with the National Health Insurance Act of 1911, and was made a statutory duty on the County Councils and the County Boroughs in 1921. The Maternity and Child Welfare Act was passed in 1918. But the steady flow of health legislation brought no systematic overhaul of the administrative machinery and many of the smaller local authorities were unequal to their powers and as late as 1929 there were still urban and rural districts council unwilling or unable to fulfil their duties. The County Councils had not in 1888 been made sanitary authorities and few of them had any public health functions. But they could appoint a health officer, though in 1891 only eight had done so, and by 1904 only 23 had not. In 1907, as educational authorities, they became to some extent responsible for the School Medical Service, and in 1909 the Housing and Town Planning Act made it a statutory duty for them to appoint a Public Health and Housing Committee and a County Medical Officer of Health.

The development of the public health services and the structure of English local government were complicated between 1834 and the Local Government Act of 1929, not only by the political and scientific changes of which we have written, but also by the peculiar overlapping between the health services which were provided for those who were technically paupers and the services which were provided for the ordinary citizen by public authorities, because private enterprise was unable or unwilling to do so. Although the Royal Sanitary Commission of 1868-71 had indicated the existence of the problem when it stressed the need for a single authority for the inter-related services of pauperism and public health, and although it was analysed in detail by the Royal Commission on the Poor Law in 1905-09, it was not until 1929 that the Local Government Act of that year made

any far-reaching attempt to resolve the muddle. The problem is known to administrators as "the break up of the poor law" and had its origin in the breakdown of the poor law principles of 1834.

When the Poor Law Commissioners of 1834 were first appointed they may have thought that a rigorous application of a deterrent poor law would abolish pauperism except in so far as it might result from sickness or old age. If the able-bodied poor were made uncomfortable enough they would all find work. But the Commissioners soon discovered that sickness and poverty are woven fine and that if the conditions of the able-bodied poor were really made less eligible than those of the lowest-paid independent worker they would soon cease to be able-bodied. The Royal Commission of 1905-09 showed clearly from the official records of the Poor Law Board and the Local Government Board, that the principles of 1834 of a purely deterrent poor law had broken down in practice, because they could not in fact be enforced by democratically-elected local authorities. When attempts had been made rigorously to enforce it the able-bodied had either so deteriorated in health that they had soon qualified as sick poor or they had been driven to accept the assistance of private charity. It was shewn that the wives and children of the men who were refused outdoor relief suffered so much in health and strength that a continuance of the policy would create the poverty it was intended to destroy. The pressure of the real facts of pauperism in an industrial society had, in fact, compelled the central government, while adhering to the letter of the principles of 1834, to develop a variety of services to meet the real needs of the persons concerned. To the non-able-bodied—the children and the sick, who included some 80 per cent. of all the paupers there were—theprinciple of less eligibility had never been applied. However austere a hospital may be, the nature of the disease from which a patient is suffering and not his economic status must deter-

mine the treatment he receives. He may be in a different ward, but his serum will come from the same bottle and his body be opened by the same knife, whether he is a pauper or a man of means. With the approval of the central department, the Guardians, since 1834, had developed a rough and ready general medical service which, though nominally for paupers, was by a judicious fiction extended to many who were nothing of the kind. In 1910 a circular of the Local Government Board recognised that "a person may be destitute in respect of the want of some particular necessity of life without destitution in all respects." Since 1867, when special provision for infectious diseases was made, the guardians had developed infirmaries for the sick poor. They had developed a district medical service for the poor. It could be said that their general medical services for the poor were in principle better conceived than the scattered special services which were developed for the non-pauper.

But the result has been the development, particularly since the Public Health Act of 1875, of an overlap between the health services run by the Guardians of the Poor and the other health services run by the boroughs, the counties and the districts. The Royal Commission of the Poor Law of 1905-09 therefore proposed that the Boards of Guardians should be abolished and their powers transferred to the Counties and County Boroughs so that there might be one health service, differentiated according to varying medical needs, and not one service for those who could pay and another for those who could not. But the removal of a duplication in the health service was not the only reason why the abolition of the Boards of Guardians was proposed. Poverty in the modern state has since the turn of the century been recognised as the final result in the individual of a variety of causes which require for their control a special technique appropriate to each. Public health, education, the organisation of the labour market, and the control of investments to

mitigate industrial fluctuations, all have their place in the effort to make it no longer true that the poor are always with us. The general trend has, therefore, been away from the policy of deterrence which was inspired by the individualism of the early 19th century towards the provision of services which will give the conditions which are *necessary*—though not without individual self-help *sufficient*—for the prevention of want, unemployment and disease. As a result, the poor law service has become a residuary service for all those who have been unable to secure the essentials of life in spite of the general provision which has been made.

After 1867 the healthy working of a political democracy required an essential minimum of general education. Moreover, the effortless superiority which England had enjoyed in the beginning of the industrial revolution was now challenged by the vigour and resources of the United States and the new German Empire of 1871. The voluntary schools, in spite of the strong religious feelings which had supported them, could not provide this national service. Between 1833 and 1870 the government, fearful of the sectarian controversies which the education question must arouse, had tried indirectly to purchase a basic minimum of instruction by paying men of goodwill who were willing to run voluntary schools. By 1870 it was clear that this method had failed to provide even the three R's for more than one in two of the population of London, or one in three and sometimes even less than one in five elsewhere. So Mr. Gladstone's first Cabinet established in 1870 a system of elected school boards to make good the gaps in the voluntary scheme. A system of *ad hoc* authorities was set up to secure that no one should be quite illiterate, as in 1834 another system of *ad hoc* authorities —the Guardians of the Poor—had been set up to see that no one should starve. The provision made bore about the same relation to the educational needs of the social order that was to be, as the principle of deterrence in 1834 bore to the

problem of poverty in an industrial age. And it was soon made evident after 1870 that education, other than elementary, would also need the assistance of the State if the technicians, the research workers and the administrators were to be available to meet the social problems which the accelerating use of natural science must produce. In 1851 the Great Exhibition had given the first hint of the shape of things to come, and it had been followed by the setting-up of the Science and Art Department of 1853. By 1880 the number of elementary schools and the number of scholars was doubled and the position of the voluntary schools, unable to meet the cost of the rising standard of instruction, was getting desperate. By the end of the century the School Boards had proved that elementary education could not satisfy the ability and ambition of all the children of the poor. In 1899 the school age had been raised to 12, and in 1900 to 14, and in the 'nineties there were nearly half a million children over 12, and a quarter of a million over 13 in the elementary schools who would have been taught all that could be defined as elementary by the age of 11. Advanced subjects, such as drawing, manual training, and elementary science were developed, but the Education Department held to the view that they were outside the scope of elementary education to which, in law, the School Boards were supposed to be confined. In a desire to limit the work of the School Boards, the Technical Instruction Act of 1889 empowered the County Councils and the County Boroughs to raise a penny rate for education other than elementary. In 1890 the Local Taxation Act provided that the "whiskey money" from certain beer and spirit duties should be allocated to these Councils, so that they might "distil wisdom out of whiskey, genius out of gin, and a capacity for business out of beer." By the end of the century there was an overlap between the education other than elementary, which the School Boards were providing with doubtful legality, and the manual and technical instruction

provided by the Counties and the Boroughs. If the School Boards were to be limited to education which was strictly elementary, all children over 11 who were of any real ability would be wasting time. The issue was precipitated by the skilful work of Sir Robert Morant at the Education Department, who secured that the question should be brought before the courts. In 1901 the *Cockerton* judgment rightly held that the London School Board had no power to provide out of the rates education which was more than elementary. This struck at the legal basis of all post-elementary education which actually existed and parliament had to intervene. The aloof skill of A. J. Balfour piloted the Education Act of 1902 through the sectarian storms which it aroused. These were only calmed by the government arranging an elaborate compromise between the voluntary and the state schools on the religious and financial issues, and by the underlying fear that, unless a basic minimum of education were provided, our industrial future would be black. The ignorance of our people menaced our national existence. The Act of 1902 was educationally considered a thing of shreds and patches. But it abolished 2,500 school boards and set up in their place the responsibility of 328 local authorities: the County Borough Councils for education, both elementary and secondary; and the County Councils for all secondary education and elementary education except in those Urban Districts or Municipal Boroughs of which the former had a population of 20,000, and the latter a population of 10,000 at the census of 1901. The new educational authorities were directed "to consider the educational needs of its area and to take such steps as seem to them satisfactory after consultation with the Board of Education, to supply or aid the supply of education other than elementary and to promote the general co-ordination of all forms of education."

The changes in the distribution of the population, the development of transport on the roads, and the appearance

of the first outlines of comprehensive schemes of education and public health raised in an acute form the question of adjustments which must be made between areas of local government which might have long historical associations and the areas of administration which might be better fitted for the work which must be done. The statistical and legal detail of the question should be set against the background of an industrial society in continuous change and a political order in which the powers of government were being rapidly increased.

The conflict between the County Councils and the County Boroughs which we have described was temporarily stayed by the Act of 1926; the inadequacy of the smaller boroughs and district councils to the powers and duties they had been given was partly met by the Local Government Act of 1929, which provided, too, a remedy for the overlap between the medical work of the poor law and the general public health services.

On the dispute between the County Boroughs and the County Councils the Royal Commission on Local Government in 1925 heard a wealth of evidence. The County Boroughs desired their independence from the County, and the Municipal Boroughs desired, if they could, to become County Boroughs, because they thought that they paid more than their fair share of the county revenue and that the representation from their area on the County Council was not sufficient to protect their interests. They said that the County Councils did not provide that higher standard of service in police, main roads and secondary education which urban areas would seem *prima facie* to require in comparison with rural areas. In particular, the incidence of the cost of main roads was acrimoniously disputed. The non-County Boroughs claimed that they paid more than their fair cost of the roads which were a county charge. The County considered that they had to pay for roads which, though in their area,

mainly served the towns. The discussions were no tribute to the vision of the parties to them. They were not unlike the dispute between the Big and Little Enders pilloried by Swift. The Act of 1926 made a temporary truce by providing that the minimum population of any Municipal Borough claiming County Borough status should be 75,000 and that the procedure must be by private act and not provisional order procedure. This stop-gap held until after the war of 1939-45.

Whatever the merits of the dispute between the Counties and the County Boroughs, the weaknesses of the smaller urban and rural district councils could not be denied. The rural districts were the residuary area of a union when its urban parts had been made urban sanitary districts. During 1862 and 1863 scores of places which had no intention of exercising any public health powers nevertheless adopted the Local Government Act of 1858 in order to retain the management of their highways and avoid the operations of the Highways Act. And after 1888 the situation was not improved. In the next forty years 183 urban districts and 71 rural districts were formed with populations of less than 5,000. The historical accidents and casual emergencies which had made this horde of tiny powers had in no way fitted them for the work which needed to be undertaken in their areas. Such lilliputian authorities could not cope with the protean problems of modern social services which are born of the marriage of political democracy and modern science. In 1925 there were 35 small boroughs and urban districts and 37 rural districts which could not provide the standard of sanitation common in 1869. Their resources and their areas were too small. Nor were the small authorities weak only in sanitation. In 1920 the Desborough Committee on the Police Services found that there were as many as 48 police forces with less than 25 men and a further 40 forces with from 25 to 50 men, and said that it was difficult to secure in them the

training and working methods which an efficient police force requires.

During the 19th century the central government had been compelled, by the pressure of unpleasant facts and the political enfranchisement of the common man, to control, subsidise and advise local authorities in order that they might improve the physical environment of the people. In the 20th century, the greater subtlety of science, and the still wider powers of political democracy, have induced every government to increase such personal services as education and public health. But the distinction between environment and personal services can never be clear cut. The sane mind in a sane body, which should be the aim of every person, has its communal equivalent in the desire for freedom from want for every citizen in a town and countryside which shall be free from squalor and disorder. The most important change in the functions of the state which the world wars have hastened has been the political and technical development of planning; in the case of local authorities of town and country planning.

In this, as in so many changes in the government of Britain, the turning-point was round about the 70's of last century. Up to 1868 the worst type of slum house was still being built without control. The public health legislation of the 70's enabled local authorities, who were willing, to control future developments, but slums had already been created. The Artisans and Labourers Dwellings Improvements Act of 1875 and 1879 enabled local authorities to purchase slum areas and proceed with schemes of reconstruction. But they had as yet no powers to develop land. They might lay down the conditions which individuals must observe but they could frame no general plan. In 1885 a Royal Commission on Housing was appointed and its recommendations were given effect to in the Act of 1890, which remained the principal Housing Act until 1925. The last was a consolidating Act covering the whole law relating to housing and covered the

three main aspects of housing legislation; the improvement of individual houses by repairs or reconditioning; the clearance of slum areas and rebuilding on them; the obligation to build new houses of a better type. The government which in the 1840's had begun to take responsibility for providing drains, became responsible, after 1870, for the quality of houses. In so doing, it became indirectly responsible for the cost, when private enterprise failed to produce the houses which were required. From 1910 to 1914 the number of houses which was built by private enterprise rapidly declined. After the war of 1914-18 there was a shortage of bricklayers and plasterers and a prohibitive increase in the price of the minimum standard three-bedroomed non-parlour house which rose to £1,200 in 1920 and fell again to £300 in 1935. The responsibility of the government for the housing of the people was bound up with their general responsibility for the economic life of the community.

From the beginning the control of houses pointed to the development of town and country planning. A circular of the Local Government Board said that the object of the Housing and Town Planning Act was to ensure by means of schemes which might be prepared either by local authorities or landowners that in the future land in the vicinity of towns should be developed to secure proper sanitary conditions and amenity and convenience in the laying-out of the land itself. Uncontrolled development had meant that amenities had been disregarded. The Local Government Board would approve schemes which would be made in accordance with their regulations. But the procedure was too complicated, contained no inducements to the local authority to make a scheme, and there were no powers to deal with land which was already built up. The Acts of 1919 and 1925 gave a date for the preparation of schemes by urban authorities and gave the Minister compulsory powers.

But by this time the problem was changing. The local

authorities needed not merely to cure congestion in the centre but to secure an ordered spreading which would not kill the countryside. Town and country were getting mixed up together, and without control the mixture would be a hideous mess. There was need for regional planning. The Local Government Act of 1929 met this need by associating County Councils with regional schemes and giving the Minister of Health powers to overcome the reluctance of local authorities to delegate their functions to joint committees. But the schemes under the Act of 1925 were too often limited to land in the course of development, and in 1932 the Town and Country Planning Act applied to all land whether developed or not, or whether it was likely to be built on or not. But the Minister was not to approve a scheme for the inclusion of developed land unless its inclusion would further the general scheme, or for the inclusion of undeveloped land unless it were so situated as to make its inclusion expedient. The procedure was complicated, involving the reference of every resolution to prepare a scheme to Parliament and the opportunity for the persons affected to challenge a scheme before the High Court.

Now the function of planning is to secure that use of the land which would be made by a person of enlightenment and public spirit, and to secure a pattern of several uses which would provide for a well-ordered community. In a modern industrial community we should try to secure that every town has a reasonable design and does not degenerate into an amorphous sprawl. The essential problem is that any schemes for a large area will increase the value as a whole, while reducing the value of some of the parts. The local authority cannot plan as a private owner would because it has to compensate individual interests. Good planning cannot be secured "unless the mind and will of the locality and region, as well as of the State, is bent to the task, with deep sense of responsibility and ample scope for initiative." But although

there are ample powers in law to secure regional planning they were ineffective because the local authorities took too parochial an outlook, were jealous for their local automony and reluctant to combine, and because, though an enormous amount of information was coming to the central departments in the course of their daily work, it was not systematically scrutinised and could not be without more integration of the several departments concerned.

In 1929 the Local Government Act dealt with some of the fundamental problems which had accumulated since 1888. It was made necessary by a crisis in the financial structure of local government, and occasion was taken to deal with a variety of questions which Parliament had not found time to deal with before. It provided for the abolition of the Boards of Guardians and the transfer of their powers to the Counties and County Boroughs. It indicated, as a matter of policy, that where a service could as a matter of law be performed either under poor law powers or under other acts, it should be done under the latter. This meant that the hospital, tuberculosis, maternity and child-welfare powers, and also the treatment of venereal disease, mental deficiency and the welfare of the blind, should be dealt with as part of the general public health services of the local authority and not as the special health services for its paupers. In the case of two services—vaccination and infant life protection—it specifically provided that they were to be operated as public health services and not under poor law powers. It encouraged a policy of co-operation between the local authorities and the voluntary hospitals by requiring that the former should consult with the latter if they contemplated the provision of hospitals. To secure that the County Councils should show a more active interest in public health it placed upon them the duty of seeing that the sanitary districts within their areas should employ medical officers of health who were not engaged in private practice, of framing schemes for the

provision of hospitals for infectious disease, and to assist the sanitary districts to get sewage and a proper water supply. Where the county was the elementary education authority the maternity and child-welfare services were to be transferred to it.

CHAPTER V

The Development of Central Control, 1888–1929

The Royal Sanitary Commission of 1868 had shewn that a strong and well-planned central department was necessary to a healthy local self-government. Knowledge at the centre would foster local initiative and responsibility. Local government was in danger of complete collapse from the effects of confusing areas and conflicting responsibilities. The creation of the Local Government Board in 1871 occurred at a turning-point in the history of England and indeed of the world. In this country the effortless superiority which we had hitherto enjoyed, by reason of our primacy in the first stages of the industrial revolution, was about to be challenged by the recently re-united United States (whose Civil War had ended in 1865) and the newly-formed German Empire. The theory that the truly Liberal state was the state which did the least possible for its citizens, leaving them to weave the pattern of their lives by buying cheap and selling dear, had lost its orthodoxy. Economists were saying that the maxim of *laissez faire* had no scientific basis whatever and was at best a mere handy rule of practice. The subtle nature of the interaction between living things and their environment had just been glimpsed in the uncertain light of the early Darwinian theory of natural selection. In the art of government the leadership of Gladstone and of Disraeli was a response to the first instalment of a fully representative government. In the science of administration the first steps in the recruitment, training and organisation of a competent Civil Service were being taken. Hitherto, the case for the existence of local government had lain in the impossibility of conceiving a central government which should have the knowledge of local conditions, or enjoy the obedience necessary for the

making and enforcement of laws relating to the external conditions of the life or the personal needs of its citizens. In the future local government would become a necessary partner in the work of the central government to secure the elements of social justice.

In 1871 the three departments which had hitherto been responsible for poor law, public health and areas were concentrated in the new Local Government Board. It may have been the intention of the government to develop a twin ministry, one part concerned with the cure of poverty, and the other with the prevention of disease, under a single Minister. But, in practice, there followed a struggle between the poor law section of the new department with its Poor Law Board traditions, and the public health section from the Privy Council Office. There were two branches warring within the bosom of a single government department. For the poor law officials were wedded to the principles of 1834 and the complex policies engendered by them, while the officials from the Privy Council thought in terms of the preventive services which medical science might provide. The head of the medical branch, Sir John Simon, has described how, after his transfer from the Privy Council office, he was relegated to the position of a mere technical adviser without influence in the conference where general policy was formed. His branch was scattered among the several branches of the old Poor Law Board and even its separate files assimilated to a poor law Registry. This meant that letters about the sanitation of the Municipal Borough of St. Helens would be classified under the Poor Law Union of Prescott. For some time the shadow of the poor law principles of 1834 were to triumph over the thin substance of the new preventive medicine. But it was something to have a single integrated department for the structure and the most important powers of local government, and when, in 1879, the Audit Department was re-organised, the Local Government Board took

rank in all but name as a Ministry of the first grade, responsible for the general inspection and audit of all English local government. And in 1884 its rising status was recognised by the provision that its higher staff should be recruited from the Class I Civil Service examination.

The development of an English government department is always difficult to trace. As the civil servant must take the triple vows of anonymity, poverty and obedience, the internal growth, the successive changes, and the varying relations between the several parts of any large department, occur in an impenetrable secrecy which is but fitfully lighted by the discreet evidence which its officials may give before some royal commission, or the public agitations which its policy on particular subjects of general interest may now and then arouse, or the dull and feeble light which statutes, regulations and its own annual reports may provide. We know more about the Cabinet as a whole than we do about any particular department, for no Cabinet Minister is entirely unhonoured or unsung, but the work of the permanent official is entombed in the secrecy which the Official Secrets Acts require. If we know something more about the Local Government Board it is because the transformation of the Poor Law Commission of 1834 into the Ministry of Health in 1918 has been so thoroughly studied by Sidney and Beatrice Webb. The Local Government Board was the chrysalis of the earlier grub, and the later butterfly. In 1871 it was looking more behind than forward and the pauper and the sick might sigh for what was not.

Between 1834 and 1871 the Poor Law Commission and the Poor Law Board (after 1847) were not allowed to issue general orders (which applied to more than one union) until they had been communicated to the Home Secretary, nor could they come into force until after 40 days and a formal laying on the table of the House of Parliament, where they might be disallowed. To obviate these delays the Poor Law

Board had done its work, as far as possible, with special orders which applied to only one union at a time. But these special orders do not reveal the real character of the policy of the Board or its relations with the Unions. Deviations from the written orders were informally sanctioned either by a departmental letter or by an Inspector's verbal message to the authority concerned. The peripatetic Assistant Commissioners of 1834 had become an extremely valuable and ubiquitous inspectorate, whose real powers were a constitutional innovation and, with the grant in aid, are two examples of English empirical administrative skill. They were the eyes and ears and tongue of the central department among the local powers. They came to every Board of Guardians, they saw, and, if they also conquered, it was by no exercise of executive powers, but by disseminating good advice, which a central department can distil from the failures and success of the various separate authorities it surveys.

When, in 1868, the Poor Law Board had secured the appointment of auditors, it obtained a bridle by which the various local bodies could be guided in the path which they should follow. In 1879 the District Auditors were made entirely dependent upon the Local Government Board for their salaries and expenses, and after 1888 their functions were successively expanded beyond poor law administration until they came to be responsible for the financial shadow of all local government work, except what related to the primary functions of the Municipal Corporations. And in administration whoever controls the financial shadow controls, in part, the policy by which it is cast.

But the Boards of Guardians were in a position of financial independence. Central funds were not available for local poor relief. If they choose to be obstinate they could not be coerced. A single Board could be restrained from doing what it had no power to do in law, but there was no effective machinery through which it could be compelled to do what

it was determined not to. The Local Government Board could not get the unions to form combinations among themselves, the better to provide the schools and the asylums for the sick of which the poor had need. In 1911 there were only a dozen combinations all told and those were mostly between large urban unions. This weakness of the new Local Government Board derived from before 1871, when the Poor Law Board had been too often satisfied with formal instead of effective action, and had developed no technique of objective tests in its work of supervision, and had made no precise measurements of the results of particular policies. It had not compiled comparative statistics even of the death-rate among the sick for whom it was responsible. After 1871 it still worked on the theory that for extraordinary occasions extraordinary advice could be obtained, but that for the ordinary business of administration the common sense of the administrators required no expert medical advice. So, partly because of its own uncertain policies and partly because it had so few powers of compulsion, the Local Government Board could not effectively control a network of local authorities, each of which provided for its own outlay by specific taxes levied on its own electorate.

The Local Government Board, divided between a health Jekyll and a pauper Hyde, was not the only department which was responsible for the health services of the local authorities. The Local Government Act of 1871 had not transferred to it all the health and medical functions of the Privy Council. The Medical Act of 1858, which had established the Medical Register and the General Medical Council and the administration of subsequent legislation for the regulation of the medical profession, remained with the Privy Council. So did the functions of the Statutory Pharmaceutical Society for the control of poisons and the work of the Central Midwives Board. The Home Office acquired a considerable set of health and medical services, and if the

Board of Control set up under the Home Office by the Mental Deficiency Act is included, there were no fewer than eight separate health staffs employed by or under the Home Office for the purpose of coping with industrial disease, the inspection of mines and quarries, lunacy and mental deficiency, reformatories and industrial schools and matters respecting the Aliens Acts, the Inebriates Act, and the Workmen's Compensation Act. In 1902 the Board of Education became responsible for the provision through the new local educational authorities of the medical inspection and treatment of school children. It also supervised the payment of exchequer grants to medical schools. The Local Government Board shared with the Board of Agriculture the administration of the Sale of Food and Drugs Acts, 1875-99, and the Disease of Animals Acts, 1894-1911 and, with the Board of Trade, shipping sanitation and the supply of water. This distribution of health services in many government departments was bound at last to raise the question whether or not the supervision of health services should be centred in one department primarily responsible for them.

But before this was done and the Ministry of Health established in 1918, a further complication had arisen. The purpose of the National Insurance Act of 1911 was to break the vicious circle of disease creating poverty and poverty disease. In 1908 the Old Age Pensions Act, by making special provision for the aged poor, had sought to make it unnecessary for this section of the population to go to the Guardians. The Poor Law Commission of 1905-09 showed the extent to which poverty was the parent of disease and disease of poverty, the inadequacy of the poor law medical service, and the inconsistency between the poor law principle of deterrence and the public health principle of early treatment in the hope of permanent cure. A man might reasonably be deterred from seeking from a relieving officer money to buy sauce for the Sunday joint, but it would be foolish to stop

his seeking medical advice because he could not pay, when delay might mean that he would never work again. The National Insurance Act of 1911 sought to provide an adequate and ubiquitous medical service which would protect the wage-earner from disability caused by neglect, and in the event of sickness keep him from the poor law. In practice, the Act unearthed to the public eye a mass of less obtrusive sickness which needed public care. Previous legislation had been concerned mainly with epidemics and the more striking forms of disease; National Health Insurance revealed the incapacity which was the result of widely diffused low standards of health. It also revealed the apathy and the inability of local authorities to provide the services which the general practitioners under the National Health Insurance scheme advised their patients to seek. The County Councils, though they had the power to provide sanatoria, had never done so. The existence in the area of a backward council of an active Insurance Committee making its own provision by arrangement with private sanatoria was a healthy stimulus to local government action. Nor were the authorities entirely to blame. For while duty after duty and power after power had been given to them from 1875 to 1910, in the field of public health they had received little help from the Exchequer. The budget of 1914 provided that grants in aid should be given to local authorities in the discharge of all their duties, including those of public health, but the scheme was suspended by the war.

The war of 1914-18 not only showed the importance of the health services for mothers and children, for tuberculosis, and for V.D., but threw into high relief the overlapping which had developed since 1875. There was no one department with a clear responsibility for public health, nor were the existing responsibilities shared on any reasonable plan. The Local Government Board was concerned with health as a function of local government policy, and by its history and

legal powers was preoccupied with the sanitary side and the special problems of the poor law. It had little interest in the war waged by the medical profession against the disease and suffering of individuals. The Board of Education, the Privy Council, the Ministry of Pensions, the Board of Trade, and the Home Office each had a separate interest in public health secondary to the main work for which they were responsible. In 1916, Viscount Long stressed "the disintegration which has taken place in recent years with the result that there are now various departments each with its expert medical staff dealing with different aspects of the same question," with the result that there was a pressing need for one responsible Minister with a single expert staff to control the various aspects of a public health service—diagnosis, nursing, medical treatment and institutional provisions.

In 1918 the Ministry of Health Act was passed, and in 1919 the new Ministry was started "for the purpose of promoting the health of the people throughout England and Wales." In it were merged the Local Government Board, the National Health Insurance Commissioners, and to it were attached the Board of Control (for persons of unsound mind and the mentally defective), and the General Registrar's Office (for vital statistics). It was intended that its powers should serve to effect a new conception of the duty of a central department in relation to the health of the nation. In sorting out the powers of departments in relation to health there were three problems: some departments which had health powers also had others which would be out of place in a Ministry of Health; other departments had health functions which were secondary to their main (non-health) functions, but sufficiently distinct to be capable of transfer; others, again, had subsidiary health powers so intertwined with their other powers that any transfer would be both delicate and difficult. Arrangements were made for adjustments to be made by Order in Council. The new department received the health

functions of the Board of Education; the functions of the Home Secretary relating to Infant Life Protection under the Children's Act, 1908, and the mental deficiency functions of the Home Office. The Ministry of Health, in addition to its health powers, supervised the administration of the Poor Law, administered insurance pensions and controlled the financial activities, the areas and the structure of local authorities. It was also the national authority for housing and town planning.

While the interrelation between pauperism and sickness caused the Local Government Board, and afterwards the Ministry of Health, to become almost a Ministry of Local Government, other government departments had important powers in relation to local government. Before 1870 the police powers of the Home Office were the most important; after that date the department which was responsible for education had increasing influence; and in recent years, the growing urgency of housing, and town and country planning, may even challenge the primacy of the Ministry of Health itself.

The first service deliberately to be controlled by the central government had been the prisons. Local prisons were not transferred to national control until 1878. In 1823 the Home Secretary, Peel, passed a Prison Act which required the Justices to provide proper sanitation, reformatory treatment and systematic inspection. This Act, write the Webbs, was "the first that dictated to local authorities the detailed plan on which they were to exercise a branch of their own local administration . . . the first that definitely asserted the duty of a Central Department to maintain a continuous supervision of the action of local authorities in their current administration." An Act of 1835 instituted Home Office inspection of all prisons. In 1878, partly to relieve the rates and partly to secure economy and better administration, all local prisons were transferred to the central government.

In 1826 Peel considered that the continued increase of crime

in London and its neighbourhood called for some decisive measure, and he proposed that within a radius of ten miles from St. Paul's, excepting the City of London, with which he was afraid to meddle, there should be a single police system managed on a uniform plan. In 1829 he secured the establishment of the Metropolitan Police for London under the control of a Commissioner, who himself was made subject to the control of the Home Secretary. But outside London the police were still provided by the local authorities. The Act of 1835 required all borough councils to establish a paid and permanent force under the control of the Watch Committee of the Council. In 1839 the counties were empowered, and in 1856 required to establish similar forces under the control of the Justices in Quarter Sessions. In 1888 the Standing Joint Committee of the County Council and Quarter Sessions was made the police authority for the county. The Chief Constable of the County is a statutory officer who appoints the constables and is directly responsible for the work of the force. He is appointed by the Standing Joint Committee, but his appointment and the number and pay of the force were, by the County Police Act of 1839, made subject to the approval of the Home Secretary who was also empowered to issue rules for the government of the force. In 1856 a grant from the central government was made to police expenses if the Inspectors of Constabulary, who were appointed by the Home Secretary, certified that the forces were efficient. The grant, which was originally one-fourth and later one-half the cost of the men's pay and clothing, was increased in 1918 to one-half of the whole police expenditure. This grant in aid given on the certificate of the Home Office inspectors, has been a powerful instrument in maintaining efficiency and has helped to secure the merger of some of the smaller and inefficient police forces in the county. Finally, the Police Act of 1919 empowered the Home Secretary to make regulations which should have statutory force and should apply to all

police forces. The Home Secretary has to consult the Police Council, a body constituted by the Act, on which are representatives of the Police Federation for the lower ranks and the Chief Constables of the Police Authorities. Because the Home Office has always been responsible for police, the Ministry of Home Security was in 1939 made the authority for Civil Defence.

The origins of three other important departments must be briefly sketched: The Ministry of Transport; the Ministry of Education; and the Ministry of Town and Country Planning.

The development of the railways after 1830 postponed for over fifty years the making of a national system of roads.

The Highway Act of 1835 diminished the control of the Justices over the 15,000 parishes which became responsible for all the roads which were not provided by the Turnpike Trusts. From 1835 to 1862 the Home Office was trying to secure legislation which would give some control over the highways to someone. Although in 1862 it secured the establishment of Highway Districts it took no control itself. It had never sought to guide the action of any local authority, nor even to bring about any uniformity of policy among them. Not until the Public Health Act of 1872 provided for the union of highway and public health administration was any effective control over highways provided and then it was given to the Local Government Board. The revolution in transport, which occurred after the creation of the County Councils and County Boroughs in 1888, and which was the result of the development of the bicycle and the motor car, resulted in the creation of the Road Board in 1909, with power to make grants to the various highway authorities for the improvement of the roads. In 1920, control over the roads was transferred from the Road Board to the Ministry of Transport. The Ministry classified the roads into Class I, Class II, and other roads, taking as the principle of their classification the relative importance of the roads to the

country, whether they were main roads, county high roads, non-county borough roads, or district roads. They made grants which varied with the categories and the urgency with which they wished the road schemes to be pressed forward. The Act of 1929 transferred all highway powers, hitherto exercised by rural district councils, and all main roads administered by urban districts and municipal boroughs to the counties, though the district councils might claim the delegation to them of the maintenance and repair of the main roads and classified roads in their area. The Road Traffic Act of 1930 transferred the licensing of public service vehicles to the Ministry of Transport. The local authorities were too small for the purpose and had shewn little realisation of their responsibilities. The Act divided England and Wales into 10 and Scotland into two traffic areas in which traffic commissioners appointed by the Minister were to make traffic regulations. Their powers were enlarged to cover the essential conditions for the safe and, it was thought, economic use of the roads for the carriage of goods by the Road and Traffic Act of 1933. The underlying causes of this revolution in transport is described in chapter IV.

The Board of Education had its origin in a committee of the Privy Council. This was a safety device which appealed to governments which were before 1870 unwilling to accept the responsibility for the development of education. The application of the first meagre grants in aid which were made to the National Society "for promoting the education of the poor in the principles of the established church" and the "British and Foreign School Society for the education of the labouring classes of society of every religious persuasion" were made by a committee of the Privy Council, appointed in 1839 by Order in Council in order to avoid discussion in Parliament. By 1847 the business of the Education Committee had absorbed the greater part of the staff of the Privy Council. But so great were the passions latent in religious

rivalries that it was thought desirable not to define too closely the character of the Committee of the Council. Although W. E. Forster, nominally Vice-President of the Council, was a real Minister of Education, after the Education Act of 1870, it was not until 1899 that the Department was cut adrift from the Privy Council and set up as an independent Board. Such a central authority was then necessary because of the urgent need to co-ordinate the work of the Education Department of the Privy Council responsible for elementary education, and the Science and Art Department, which had financed the technical education provided by the County Councils. The Education Act of 1918 envisaged a co-ordination of all forms of education to be carried out by an active and constructive partnership between the Board of Education and the local authorities. The Board of Education was empowered to require a submission of schemes by each local education authority to meet the educational needs of its area and for a carefully calculated system of grants administered by the Board. The method of co-operation between local and central government was carried further by the Education Act of 1944.

In 1940 the publication of the report of the Barlow Commission on the Location of Industry initiated a new conception of town and country planning. It made recommendations for the redevelopment of congested cities, for the dispersal of excess urban populations, and for the provision of a reasonable balance of industrial employment throughout the country, and thereby indicated the true perspective in which the conditions of life of an industrial civilisation should be viewed. Moreover, it showed that the problem was incapable of solution unless there were a central planning authority with initiative and control. It caused the government to accept the principle of national planning and to take steps to establish a central authority. First, Lord Reith, as Minister of Works and Buildings, then as Minister of Works

and Planning, was superseded in 1942 by Lord Portal, and the transfer was made in 1943 of the old planning functions of the Ministry of Health to a new Ministry of Town and Country Planning. But progress was delayed by the party controversy over the recommendations of the Scott Report on Land Utilisation in Rural Areas and the Uthwatt Report on Compensation and Betterment. But in February, 1943, the Town and Country Planning Act was passed and the new Ministry inherited the planning powers of the Ministry of Health and was given the general function of securing "consistency and continuity in the framing and execution of a national policy with respect to the use and development of land." In July, 1943, the Town and Country Planning (Interim Development) Act was passed, making development everywhere subject to planning approval. But the most important measure was the Town and Country Planning Act of 1944, which made it possible for local planning authorities, with the consent of the Minister, to obtain powers of compulsory purchase to acquire as a whole, areas of extensive war damage, areas of bad layout and obsolete development, and land required for the overspill of population from either of these two classes of areas. Apart from the compensation issue, there remains the fundamental question of the form and scope of the central authority. The place of the President of the Board of Trade, who is responsible for operating the Distribution of Industry Act, the place of the land-using Ministers and the Commission under the Requisitioned Land Bill, and the role of the Minister of Town and Country Planning, all need to be brought into rational relations.

The ever-increasing scope of local government activity which we have outlined has altered the financial relations between central and local authorities. The Assigned Revenues of 1888 were intended to bring about a lasting distinction between local and national finance. The items of national taxation, whose proceeds were to be handed over, would, it

was thought, produce sufficient revenue to meet the additional costs of any services the local authorities might later be called upon to perform. The previous annual grants in aid for police, poor relief, main roads, sanitary officers, but not for education (a significant omission), were discontinued. The County Councils and the County Boroughs were to receive the products of the Assigned Revenues and were charged with the entire responsibility for the maintenance of main roads, and for other services, they were required out of the revenue they receive to undertake expenditure or to make grants to assist the administering authorities, and the free balance, if any, they could apply in aid of rates.

The separation of national and local finance was not achieved. The experiment was made at the dawn of a period of rapid change, not only in the scope of all governmental activity, but in the technique of public finance. The surrender of national taxes could not be countenanced by future Chancellors of the Exchequer, who would find that they required every device which might be used to control the distribution of the national income. The proceeds of the Assigned Revenues which the local authorities received were quickly stereotyped at the amount which they happened to have realised in a particular year, while to meet the cost of the new duties they were given, special grants in aid similar to the education grants, which had not been discontinued, were allowed. The Assigned Revenues withered away and the new grants flourished like a green bay tree.

Looking back, it is difficult to understand how it could ever have been thought that the growth of the proceeds of certain national taxes, however wisely chosen, would keep pace with the cost of the new services with which local authorities were certain to be charged. There could be no simple correlation between the cost of the services which in the public interest should be locally administered and the proceeds of particular taxes. Moreover, the greater range and subtlety of public

finance made it necessary for the Chancellor of the Exchequer to retain every instrument and tool of his craft.

The revenues which were assigned in 1888 comprised the duties on certain licenses later known as the local taxation licenses and a 1½ per cent. probate duty on personalty. At the same time the Succession Duty was increased so that realty and personalty might in future pay equal rates of death duty to the national exchequer, while personalty paid an additional 1½ per cent. to local purposes. In 1890 the beer and spirit surtaxes were added. The local taxation license duties were distributed to the councils of the counties and county boroughs in which they were collected. The remainder of the assigned revenues and the probate duty and the beer and spirit surtaxes, after a reduction of £300,000 for police pensions, were distributed in proportion to the amounts received in the several areas from the grants which were discontinued in 1888. The system which, initially, was complicated and, in some details, absurd, was quickly shaken by changes and extensions which caused indefensible anomalies and exasperating book-keeping. The procedure by which the money assigned by the state in relief of local charges passed to the hands of the spending authorities was so complicated that no one but an expert could trace the destination of any part. By 1911-12 only £3,702,620 of the revenue assigned was variable and the remaining £3,459,261 had been stereotyped. The County and County Borough finances were inconvenienced because they had to pay from their Exchequer Contribution Accounts the grants to minor authorities which the Act of 1888 prescribed.

The attempt to separate local and national finance had failed. The government found it necessary to give ever-growing grants in aid for the new services which steadily increased after 1888. The local authorities, on their side, found that their independent income from the local rates was a diminishing part of the revenue they required.

In 1902 and 1903, when the administration of education was reorganised, and the work of the separate school boards transferred to the general system of local councils, the absorption of the voluntary schools into the national system of education removed the difficulties which had hitherto prevented the development of a general system of exchequer subsidies for education. In 1908 the Old Age Pensions Act, which provided a pension of not more than 5s. a week to people over 70 who were in need, relieved for a time the burden on the poor law, but heralded a concern of the state for the prevention of want and this indirectly increased all the expenditure of local authorities, including expenditure on poor relief itself. In 1909 the Development and Road Improvement Fund Act set up a new central authority, the Road Board, which was charged with the construction and improvement of roads, and revenue drawn from the proceeds of the new petrol tax and the surplus proceeds of the duties on motor cars and carriage licenses after stereotyped amounts had been paid to the local authorities. While the local authorities were relieved of part of the cost of what was rapidly becoming a national road system, they lost the automatic growth of duties which had been assigned to them in 1888. In 1911 the National Health and Unemployment Insurance Acts initiated improvements in the national health service and in the organisation of the labour market, which might tend to diminish the charge upon the poor rate, but increased the responsibilities of the local authorities by laying on them half the cost of the institutional services which it required. A report of the Local Government Board in 1909 showed the growth of local finance from 1850 to 1907 and analysed the causes which had contributed to it. These were the growth of population, particularly in urban areas; the imposition by the legislature of new duties in health and education; and the grant of discretionary powers to provide hospitals, working-class dwellings, parks and recreation

grounds, free libraries and remunerative undertakings, such as gas, electricity and tramways; the development of medical, sanitary, and engineering science, which led to the use of more elaborate and costly methods of road-making, sewage and hospital services; and the influence of the general climate of public opinion which was a growing stimulus to the extension and improvement of local services, e.g., the Education (Provision of Meals) Act, 1906; the Education (Administrative Provisions) Act, 1907, providing for the medical inspection and treatment of school children; the Asylum Officers' Superannuation Act of 1909, and the Police (Weekly Rest Day) Act, 1910; and the raising by the Board of Education of the standard of staffing in elementary schools and of the accommodation for the children. The increase in net expenditure between 1889-90 and 1911-12 met from rates and exchequer grants was:

000's omitted

	Poor Relief and other Guardian Services	Lunatics and Asylums	Police and Criminal Prosecutions	Main Roads (outside London)	Salaries of Sanitary Officer	Education	TOTAL
	£	£	£	£	£	£	£
1889-90	8,379	474	3,749	1,056	75	4,280	18,013
1911-12	14,422	1,245	6,882	3,333	372	28,615	54,869

The improvement in communications was increasing the disharmony between the historical areas of local government and the social and economic structure of the communities they serve. The tendency of wealthy people to live away from the source of their wealth had been increased and business organisations were extending the area of their operations. So the report of a Departmental Committee on Local Taxation (1914) concluded that the system of assigned revenues had been so far modified as to lose its original character, and, that while public opinion was calling for a larger expenditure by local authorities on services which served the whole

community, the tendency of financial legislation had been to restrict the revenues available to them for the purpose. There was a *prima facie* case for increased grants in aid.

The system of government subventions, which had been developed bit by bit in the 19th century to meet occasional and special needs, had now to be adapted and developed to do three things: to meet part of the cost of services which, although locally administered, could not be paid for out of taxes locally raised; to correct inequalities in the burden of local rates between individuals and between different areas; and to enable the government to supervise the administration of services which, although locally administered, had in the public interest to reach a certain standard everywhere. But these three broad and simple principles involved problems of finance, administration and public policy, which touch the heart of the modern state. The distinction between national and local services possible in the decentralised life of a pre-industrial society could not be maintained. In 1901 a Royal Commission distinguished between "national and onerous" and "local or beneficial services," but the departmental committee on Local Taxation in 1914 pointed out that there were really three classes of services: those which were carried out and controlled almost entirely by local authorities in the interests of their respective localities and not to any marked extent for the benefit of the nation as a whole; those which were carried out entirely by the state in the interests of the nation as a whole; and intermediate between these two, the services which, though locally administered, were national in character. Moreover, the national and local significance of every service was always being altered by the advances in scientific knowledge and industrial power. The swifter and more flexible the methods of communication the more the people were members one of another, and services which had been purely local became semi-national. Between the *Fabian Essays* of 1889, which had suggested that the sickness of an

acquisitive society might be cured by publicity, measurement with, where necessary, intelligent control, and the *Beveridge Report* of 1944, there was a growing demand for a national minimum in the services which would prevent want, squalor and disease. But it is not possible to give any simple formula how the cost of these services should be shared between the central government and local authorities. The community is more and more a single unit with local differentiations for work, play, and sleep. In the interests of economy and of education in self-government, some degree of local self-government is necessary and real self-government requires some financial autonomy. But the degree of financial independence which is necessary to keep local self-government alive is difficult to fix. Since the failure of the assigned revenues the net expenditure of local authorities on the semi-national services of Education (other than poor law), the services administered by the guardians, the maintenance of main roads outside London, the proportion of government grants fell between 1891-92 and 1911-12 from 40.9 per cent. to 38.8 per cent., and before the war of 1914 there was a clear case for some increase in the amount to be borne by the central government.

Whatever form these increased grants might take, common sense suggested, and experience had confirmed, that some power to vary them would have to be reserved to the government departments concerned. In 1914 three tendencies were noted which have been greatly strengthened since: from 1832 there had been a tendency to enlarge the areas in which semi-national services were administered and the consequent creation of more responsible authorities over which it would not be necessary to exercise the same detailed supervision as over smaller bodies; that if semi-national services were to be properly administered locally there would have to be a real local interest in the work; and that to secure this local interest a good deal of discretion would have to be

given and the local authorities must not be mere agents of the central government.

The grants in aid which were developed after 1888 fell into two groups: allocated grants or grants towards specific branches of a service—such were the grants in respect of the salaries of certain local officers, or for a particular service, such as the maintenance of pauper lunatics which the government might want particularly to improve; and "block grants" made in respect of the whole of a service. With the first, the government could encourage the initiative of a particular locality, enforce a desirable reform and plant a seed of progress, or control a strategic point in the administration of a particular service. But the allocated grant created a tendency for the service to be administered more with the object of earning as much grant as possible than with the object of promoting the best interests of the service. The Block Grants, being more a general irrigation than a special watering of some fragile plant, were found to be more suitable to the complex and ever-changing character of the varied circumstances of local administration. For both systems there are various methods of calculating the grant. Before 1888 there had been two main bases: either so much per unit of service, e.g., per child in attendance at a poor law school, or pauper lunatic segregated from the common workhouse in an asylum; or a proportion of the expenditure on a service as a whole or any part of it, e.g., the cost of main roads, or the cost of the pay and clothing of the police. The percentage system has the disadvantage that it may weaken the local authorities' responsibility for economic administration, and it has always carefully to be considered what proportion of the total cost should be borne locally and the inspection and other controls which the central government must use. It has the general advantage that it increases parliamentary control over the goverment department which makes the grant and indirectly over local government in general. The

unit system has the disadvantage that units may be difficult to find and that the expenditure per unit is affected by factors other than the competence of the authority concerned, and may vary from place to place within very wide limits. But in the special case of education the unit system took very strong root and the Education Grant was based on a combination of unit cost and actual expenditure.

The development of grants in aid and of wider areas of local government have been concurrent. By 1834 parishes were grouped into Unions. In 1839 the County Police Act empowered the Justices in Quarter Session to establish county police forces in place of the parish constable. In 1862 the Highway Act authorised the grouping of parishes into Highway Districts, but each parish continued to bear the cost of maintaining its own roads, until the charge was placed upon the district fund by the Highways and Locomotive Act, 1878, which also charged half of the maintenance cost of the new class of main roads on the county. In 1888 main roads became entirely a county charge. In 1902 Education was transferred from the School Boards to the Counties and County Boroughs. Since 1900 there has been a general tendency to adopt the County and the County Borough as the unit for the semi-national services. In 1914 careful thought was given to the possibility of a general scheme of compulsory combination of the major rating authorities, but it was decided that the divergence between the needs and standards of the greater urban communities and of the rural areas formed an insuperable barrier.

With the increase of the cost of local service the problem of the incidence of local rates and the fairness of the methods by which property was valued for local rates became more urgent. In 1896 the Agricultural Rates Act was passed to meet the complaint of owners and occupiers of agricultural land that the value of this kind of property was an unfair measure of rating, as compared with the value of other kinds

of real property, by relieving them of part of their burden. If the contributions to local expenses were apportioned by the rating system according to the values of the properties which were occupied, so that these values were a gauge or measure according to which the inhabitants would contribute and the amount which each person would pay a proportion of the total to be raised, it followed that if one man's assessment were lowered and the others unaffected the first had to pay less and the others more. The derating of agricultural land increased the rates on the rateable property unless a compensating grant were made. In the 19th century it had been recognised by Parliament that in certain cases agricultural land and other property of a similar nature should either be rated or assessed at a lower figure than house property. The Lighting and Watching Act of 1833 had provided that owners and occupiers of houses, buildings and property other than land should pay a rate in the £ three times higher than the owners and occupiers of land. Under the Public Health Acts the general district rate levied in urban districts for sanitary purposes was charged in respect of tithes, agricultural land, canals, and railways at one-quarter only of their valuation. The Act of 1896 applied to those rates to which no previous exemptions extended and provided with respect to these: (1) that the occupier of agricultural land should be liable to pay one-half only of the rate in the £ payable in respect of buildings other than hereditaments; and (2) that in respect of the deficiency which would arise from the provision of the Act to the produce of the rate there should be an annual grant from the Exchequer equal to one-half of the amount which had been raised in respect of agricultural land in the year before the Act. In 1923 another Agricultural Rates Act gave a further concession of the agricultural interests by reducing the rateable value to one-quarter of the net annual value. Finally, in 1929, agricultural land was derated entirely as part of the reorganisation of local

finance included in the Local Government Act of that year (see chapter VII).

The rate, as we have seen, is a tax which is allocated among the inhabitants of any area in proportion to the annual value of certain properties which they occupy. The fairness of the valuations of these properties which are made will determine the fairness of the rate. Before the 19th century the local services were mainly parochial and it was only necessary that the assessments should be fair *within* the parish. But when the expenditure of the Guardians of the Poor, or of Sanitary Districts, had to apportion their expenditure *among* their component parishes it was important that the total valuations of each parish should be fair or those who undervalued their properties for rating purposes would be able to shift part of the cost of the services they received on to the rest. Since the beginning of the rating system the valuations have been made by the Overseers of the parishes, which meant that there were some 15,000 independent valuation authorities. In 1852 the County Rates Act gave the Justices, and the Local Government Act of 1888 gave the counties, the power to appoint a County Rate Committee to fix the assessable value totals of any parish which had to contribute to the cost of a county service. This was done because the counties had then no power of levying rates directly from the ratepayers, but had to serve a precept on each Board of Guardians within their area based upon the assessable value totals of the parishes within the respective unions. In 1862 the Union Assessment Committee Act entrusted the duty of making valuations in each parish for the purposes of the poor rate valuation to a committee of the Board of Guardians for the Union in which the parish was situated, called the Assessment Committee. This system made for uniformity of valuation in 640 areas in place of the previous 15,000. The Finance Act (1909-10), 1910, established a Government Valuation Department subject to the control of the Inland Revenue. The existence of a

Government valuation staff working on uniform lines all over the country and gradually getting information about the value of all kinds of real property raised the question whether it might not be used to obtain a better system of valuation for rating purposes. The Departmental Committee on Local Taxation in 1914 considered that, whether the valuation question was considered from the inter-communal aspect (the valuation of parishes for their contribution to the county rate) or from that of the relations between individuals, the line of reform would appear to lie in the direction of strengthening the expert element. They recommended that all valuations should be made by the Government Land Valuation Staff. This was too much for the local and professional interests involved to swallow and no fundamental change was made until the Rating and Valuation Act of 1925. This was passed to promote uniformity of valuation and to secure greater efficiency in the assessment and collection of local rates. The councils of county boroughs, non-county boroughs, and urban and rural districts were made the rating authorities and were given the duty of preparing a new valuation list every five years. They might appoint valuation officers and they might employ competent persons to assist or advise them in the valuation of any property. They might also call for returns of information from owners and occupiers. Their draft lists were to be transmitted to the assessment committees for revision and approval. These assessment committees were to be appointed for each assessment committee which is either the area of a county borough, in which case the council appoint the committee, one-third of whose members must be persons who are not members of the council, or the area of two or more rating areas, in which case the committee consists of persons appointed by the constituent rating authorities and the County Council according to a scheme approved by the Ministry of Health. An appeal against the decision of an assessment committee may

be made to Quarter Sessions and on a point of law to the High Court. Further, the Act provided that every administrative county should appoint a county valuation committee consisting of members of the County Council and a representative from each assessment committee who are comprised in the county. This committee is to promote uniformity by organising conferences and by suggesting amendments to current valuations, but it has no direct power in the making of valuation lists. Finally, a Central Valuation Committee consisting of members of rating authorities, county valuation committees and assessment committees and certain other persons appointed by the Ministry of Health was to promote uniformity in an advisory capacity. The Act has not been completely successful. Many rating areas are still too small to constitute eefficient units. They are too small to employ the necessary expert staff and they are still tempted to underassess the properties in their area so that they may pay a smaller share of the county rate.

CHAPTER VI

The Response to New Conditions, 1929-1945, (1) *Structure*

The areas, the powers and the organisation of English local authorities have been devised to meet the needs of political democracy in the conditions created by the industrial and scientific revolutions of the last century. By 1930 it was very necessary that some simplification should be introduced into the complicated arrangements created in three very different political eras. The organisation of the Municipal Boroughs in 1835 had been devised when the House of Lords was still strong enough to impose a compromise on the radical forces in the House of Commons. The Public Health Act of 1875, and the Local Government Acts of 1888 and 1894, had established the main structure of elected councils for rural and urban areas before the introduction of universal adult suffrage by the Representation of the People Acts of 1918 and 1928, or the great extension of the social services which had followed the Liberal victory of 1906. After the war of 1914-18 there was a movement to consolidate the legislation dealing with the services for which local authorities were responsible: the Education Act of 1921; the Town Planning Act of 1925, and the Town and Country Planning Act, 1932; the Poor Law Act, 1930; though time could not be found to consolidate the laws relating to the police, the highways, housing, or public health. In 1933 the Local Government Act was passed, the result of the labours of a departmental committee appointed in 1930 by the Ministry of Health to consider the problem of consolidating the laws relating to the organisation and the general powers of local authorities. The Act dealt with "the constitution and general functions of the various types of local authorities who administer the services usually known as local government services—county coun-

cils, borough councils, urban and rural district councils, parish councils, and parish meetings—but not particular functions of those authorities, such as education, housing, public assistance, lunacy and the like." It did not deal with London,* or the problems of special areas. Rating and Valuation, which had been dealt with by a special group of enactments, the Rating and Valuation Acts, 1925 and 1932, and the Exchequer Grants covered by the Act of 1929 were also excluded from its scope. But it did produce a great simplification in the legislation which governs the constitution and general functions of the most important local authorities. The result has been stated by Dr. Jennings: "A local authority is a governmental authority organised in accordance with the Local Government Act, 1933, and functions in accordance with the provisions of that Act. Its functions are to provide services for the inhabitants of its area. Its methods of operation are determined by other statutes, such as the Public Health Acts, 1875 to 1932; the Highways Acts, 1835 to 1929; the Poor Law Act, 1930; the Education Acts, 1921 to 1932." But some of the rules relating to its functioning are also to be found in other statutes, such as the Rating and Valuation Acts, 1925 to 1932; the Local Government Act, 1929; the Municipal Corporations Act, 1882, and other statutes relating to elections.

Section 305 of the 1933 Act defines a "local authority." It is "the council of a county, county borough, county district or parish." The same section defines a "county district." It means "a non-county borough, urban district, or rural district." There are now six kinds of local authorities: county councils, county borough councils, non-county borough councils, urban district councils, rural district councils, parish councils. No attempt will be made here to summarise the 308 sections and 11 schedules of the Act which cover the general law relating to local government. But the general character of the system of local government created in the

*This was done by the London Government Act, 1939.

period since 1834, of which it is now the legal basis, may be briefly considered under four heads: elections, councils, committees, and officials.

The right to vote at elections is given by the Act of 1933 to the local government electors who are the persons registered as local government electors in the register of electors in accordance with the provision of the Representation of the People Acts. This completes, it may be hoped, a long and tangled story. In the 18th century parish business was still conducted in open vestry where every ratepayer might attend. In crowded urban vestries this had sometimes meant tumults and riots. In 1819 the Select Vestry Act empowered the vestry to elect a committee every year to administer its poor law work and it was adopted by some 3,000 parishes. In 1831 an Act known as "Hobhouse's Act" introduced a triennial election of councils by ratepayers, including women ratepayers. The basic principle was that those who were the direct payers of local taxes should be enfranchised. The Poor Law Act of 1834 laid it down that the new Guardians of the Poor should include in the membership all the Justices of the Peace residing in or acting for their areas, but should otherwise be elected by all ratepaying occupiers and all owners of land buildings within the union without distinction or sex. But it was based on a system of plural voting, in which owners and occupiers had a number of votes in proportion to the rental value of their properties. Moreover, in order to avoid mob pressure the voting papers were left by parochial officers at the houses of the voters and collected after a suitable time for their completion. The idea, in the words of the Poor Law Commissioners themselves, was that "members of the upper and middle classes" should "act together, as a body, in the dispensation of relief." Proxies were allowed, and it is recorded that at an election of Guardians in Chelsea, one person held 833 proxies. For the time being a network of small aristocracies had succeeded to the power and influence

of the justices of the peace. The Municipal Corporations Act of 1835 gave the local franchise to "occupiers" of rateable properties and to persons resident within a certain radius. In 1836 the aggregate electorate of all the elective Local Authorities of England and Wales was about 800,000 in a population of 14 millions. One householder out of four could cast a vote. The rights of "occupiers" to vote were in the parish, the union, and the highway districts, independent of sex. But, in the boroughs, women could not vote until 1869. Before the Local Government Act of 1888 there had been two main changes. For the various Local Boards set up to cope with health, highways and burial, the Poor Law, the principle of plural voting was followed; while for the elected School Boards in 1870, a new principle of cumulative voting was introduced. For, in order to safeguard religious minorities, each voter had as many votes as there were candidates, and might give them all to one candidate. The Local Government Act of 1888 applied to the new county councils the principle which in 1835 had been applied to the boroughs, namely, every ratepayer to have one vote and only one, irrespective of sex. In 1894 the plural system for the Guardians was abolished, and the same franchise, roughly one ratepayer one vote, was applied to Guardians and urban and rural district councillors. In 1918 the Representation of the People (Equal Franchise) Act established a uniform local government franchise. The Representation of the People Act, 1945, provides that all persons who have a parliamentary qualification will also automatically have a qualification for the local government franchise.

The Local Government Act of 1933 has provided one set of rules for the qualification and disqualification of members of the local councils. They are intended to secure that the member shall have a real interest in the services provided for a particular area, and that he shall, on the other hand, have no personal or material interest which might tempt him to

betray his trust as a representative. He must not, therefore, hold any paid office or other place of profit in the gift or disposal of the local authority or any committee thereof. He must not within twelve months from the day of election, or since his election, be in receipt of poor relief. In the case of a borough, he must not be an elective auditor, or in the case of a county or county borough, be a poor law officer or have been dismissed from such office within five years before the day of election. He must not, within five years before the day of election or since his election, have been surcharged to an amount exceeding £500 by a district auditor. He must not be a bankrupt or have been ordered to be imprisoned for a period of not less than three months within five years of the the 18th day of election.

Borough councils and county councils have aldermen to the number of one for every three councillors. They are elected by the councillors for a period of six years, one half retiring every three years. The councillors of all local authorities are elected every three years. The councillors of boroughs and of urban and rural districts are elected as to one-third every year, though the county council may, at the request of the district council, make an order for all its councillors to retire together. In the case of parish councils, metropolitan borough councils, county councils, and some urban and rural district councils there is thus a miniature general election every three years. While in the case of boroughs, with the one-third rule and the existence of aldermen, the annual elections can only slowly change the strength of the parties. The special status of the Mayor who, though elected by the council, is the representative of the civic unity of his town, and the element of continuity given by the aldermen, are the only survivals in a system of simple local self-government by triennially-elected local councils from the 18th century traditions of privilege and status.

It is impossible in a brief historical sketch to describe the

working practice of the hundreds of local authorities in England and Wales. As the Hon. G. O. Brodrick wrote in 1882, "no anatomical resemblance of outward structure can assimilate the inner municipal life of quaint old cathedral cities with that of new and fashionable watering-places, that of sea-ports with that of inland towns, that of manufacturing or mining settlements with that of market towns in the midst of agricultural neighbourhoods." The unity of form is adapted to the infinite variety of local conditions and varying times by the flexibility of the committee system. Under the Local Government Act, 1933, local authorities have a general power to set up committees. Except in the case of a Finance Committee, there may be co-opted on to any committee one-third who are not members of the council. Some committees a local authority must appoint; these are the Statutory Committees. It may appoint as many others as it thinks necessary. The Act of 1835 made it obligatory on the Borough Councils to appoint a Watch Committee; by the Act of 1888 every county council had to have a Finance Committee; the Education Act of 1902 and subsequent Acts require the local education authority to have an Education Committee. By the Poor Law Act, 1930, every county council and county borough must have a Public Assistance Committee. In some cases, a particular method of administration is required and the local authorities are required to devise an administrative scheme for the operation of a particular service involving a system of area sub-committees.

The number and powers of the committees, other than Statutory Committees, are for the local authorities to decide. In the central government the determination of policy is concentrated in the Cabinet. The House of Commons is not an administrative body. Parliament legislates but does not itself put the laws into operation. The civil service administers under the direction of the Cabinet, which has only to satisfy Parliament that the King's government is being carried on

with reasonable competence. But a local council is both a legislative and an administrative body. It has to be organised for the actual work of government in its area. The local officials are servants of the council, whereas civil servants are servants of the Crown. In practice, the civil service works for the Ministers while the officials of local authorities work with the committees into which the council divided itself for the work which it has to do. In a small district council the committees will be few because the work is simple; in a county of large size, responsible for education and poor law services over a wide area, an elaborate system of committees and sub-committees covering the financial, the supply and the personal side of the different services may be necessary. In the large towns there has always been the greatest diversity in the number of committees and the division of functions among them. In the large boroughs, at the end of the 19th century, the work of constituting committees for the year and of assigning councillors to each was undertaken by the General Purposes Committee or Committee of Selection. Committees varied in size. At Leeds, a Committee might not consist of more than 21; in Manchester of more than 24. The number of committees did not vary in proportion to the size of the towns. Nottingham had 18, Leeds 15, and Liverpool 11, so that the number of committees varied inversely with the size of the town. Today the technique of committee organisation is very subtle indeed. Where there is a strong party organisation, the chairmen of the important committees will constitute almost a cabinet for general policy; the committees themselves have to be classified so that they will cover, vertically, the functions of the authority: health, education, and town planning; and, horizontally, the matters which may be common to many functions: finance, supply, contracts, establishment; they have also to be organised so that a partnership of councillors and officials will be ready (1) to make detailed decisions where they are necessary, e.g.,

whether John Smith should be given outdoor relief, and (2) to recommend or execute far-reaching policies as the need for them may arise, e.g., the redistribution of the poor law institutions in the interest of an improved health service, referred to on pages 95-96.

The creation of a local civil service has been, like the structure of local government itself, a creation of the last hundred years. This is not the place for a consideration of the nature and functions of a local civil service in the modern world. Since 1870 the civil service of the central government has been developed from a few thousand clerks into a powerful and subtle instrument of government. It has been shaped by the demands of great emergencies, the advice of great statesmen and administrators from Macaulay and Gladstone to Lord Haldane and Sir John Anderson, and the investigations of many powerful royal commissions. It represents an attempt to mobilise a supply of the comparatively rare qualities of mind and character which make the good administrator for the ever-increasing demand which the state must make for its tasks of planning and control. Apart from the work of the teachers, the police, and the employees in municipal enterprises, the local authorities have their administrative problem. In local government, administration involves the transmission of the collective experience of a department engaged in technical functions to those who have to determine policy, and the application of such policy to the technical operations of the department. For this reason, the clerk of a county, or the town clerk of a borough, is a solicitor; the head of the health department a doctor; of the highways department, an engineer; of finance, an accountant. In 1934 the Hadow Committee was not prepared to press for radical changes but it did suggest that the larger local authorities need not always take it for granted that the principal officers should have technical qualifications.

Here we have only space to summarise a few of the legal

requirements set out in the Local Government Act of 1933 and a few others relating to particular services. Under the 1933 Act a county council must have a clerk, county treasurer, county medical officer of health, and county surveyor. A borough council must have a town clerk, treasurer, surveyor, medical officers of health, and sanitary inspectors. District councils must have a clerk, treasurer, surveyor, medical officer of health, and sanitary inspector. Under Section 10 of the Poor Law Act, 1930, the Ministry of Health may direct the council of a county or county borough to appoint such officers, with such qualifications as he may think necessary for the purposes of poor relief. Under the Public Health Act, 1936, the Minister may prescribe the qualifications of medical officers of health and health visitors appointed for dealing with tuberculosis, venereal disease, and maternity and child-welfare. A local education authority must adopt a certain scale of payment for its teachers if it wishes to obtain the full education grant. An engineer or surveyor must be approved by the Minister of Transport if he is to pay a part of the cost.

Since 1872 there has been no comprehensive reorganisation of the areas of local government. Under the Act of 1888 the procedure for altering the area or status of an authority was slow and, in practice, had been limited to particular adjustments which were uninspired by any general plan. There was, in fact, nowhere any authority with the duty or the power to see the system clearly and to see it whole. The Act of 1926 had provided only a temporary truce to the conflict between the counties and the county boroughs. Under Section 46 of the Local Government Act, 1929, further provision was made for the review of local government areas. The county councils were required, after conference with county districts and county boroughs, to review the districts and to submit proposals to the Ministry of Health. The boundaries of county boroughs could be altered by agreement, but the revision was not to include the creation of

new, nor the abolition of old, boroughs. These general surveys were to take place every ten years. Local government, said the Ministry of Health, was a living thing. "The process of adapting it to the needs of the people can never cease altogether, but this fact has to be reconciled with the deep-seated affection of the people for old institutions and for gradual adjustment rather than for sweeping change." There are, it continued, "periods of relative quiescence, when it is a question of finding solutions for individual problems of some urgency which, while adequate to these problems, are so conceived that they can be brought into relation with wider changes if and when the time for these shall come." In 1937 a report of the Ministry surveyed with some satisfaction the results which had been achieved. Urban districts had been reduced from 783 in 1930 to 649 in 1937 and would finally be 624; rural districts from 752 to 486 and would be 483. Thirty-three charters of incorporations had been given; 41 out of 83 county boroughs had been extended and 189 out of 256 municipal boroughs had been modified in area. The Ministry claimed that areas "had been placed under a form of local government appropriate to their needs and status; awkward, anomalous and confusing boundaries have been rectified; detached parts of districts have been amalgamated with appropriate areas; and adjustments have been made to secure that county districts will in future be wholly confined in one administrative county." But, it added, "the changes have not in every case been as comprehensive as would have been wished and it has not always been clear that particular proposals provided the best possible solution of local problems." In fact, the 1929 procedure left the initiative with the county councils and its success, even within its limited scope, had been uneven.

The issues were, in fact, more far-reaching than these provisions of 1926 and 1929 could unravel and resolve. Between 1889 and 1929 the most far-reaching changes had

taken place in the scope and distribution of local government powers. The old poor law had been relegated almost to a residuary service within a new framework of public health provision, based on advancing medical science, and a new organisation of the conditions of work, derived from a conception of the social service state to which the Fabians, the development of economic science and, after 1918, the political climate of universal suffrage, had contributed. The bare minimum of elementary education which would suffice for political and industrial survival before the South African war had broadened into a conception of education for citizenship in peace and war. The provision of reasonably firm and unimpeded highways had become part of the complex questions of modern town and country planning, involving wide issues about the location of industry for industrial survival, and the preservation of some part of the heritage of beauty of this one-time "other Eden." Within the field of local government proper there was an increasing dependence of the smaller authorities on services provided by their neighbouring county boroughs; a need for industrial cities to secure a green belt for the health of their inhabitants and a planned development for their prosperity; and more generally the need to adjust areas which were suitable for the practice of local representative government with the many areas which might seem appropriate to the economic administration of diverse technical services—health, education, town and country planning, and the supply of water, gas and electricity. Whereas in 1832 there were certain oases of urban life in a rural civilisation, there was now a single though differentiated way of life to be managed with freedom and economy, and, if possible, with cleanliness and beauty in a time of ever-increasing technological change.

The dispute between the counties and the county boroughs is only one aspect of the general problem of conurbations which, in this country, is an acute form of the world problem

of urbanisation. There are in England and Wales five conurbations, each with more than 1,000,000 population. London, the most difficult of all, is discussed in chapter VIII. The second, Manchester, includes (*a*) an inner circle comprising Manchester and Salford, with six smaller urban districts grouped round them and the whole with a population of about a million, and (*b*) at a distance of from eight to 12 miles from Manchester Town Hall, a series of smaller towns: five county boroughs and 38 urban districts. Each segment of this urban ring is connected economically and socially with the central city and the whole area has a population of 2,300,000 clearly marked off from West Yorkshire and the North Lancashire towns by the southern Pennines and Rossendale forest. In 1945 the Manchester and District Regional Planning Committee published a scheme for an area which had a population of 1,300,000 in the centre and is part of a wider region which has a population of 4,000,000 within a radius of 20 miles and over 5,000,000 within 50 miles. To secure a redevelopment of the inner area with a reasonable density of population, Manchester would need to export one-fifth of its population between now and 1961, and Salford more than a third. Thirdly, there is Birmingham, which is unique in not having developed within a valley or on a coast, and lies astride the divide between Trent and Severn. Fourthly, in West Yorkshire and along the Pennine foothills and on the West Yorkshire coalfields, are Leeds, Bradford and three other county boroughs and some 42 urban districts. Finally, there is Liverpool and Merseyside, which in 1933 had a total population of 1,306,000 in four county boroughs: Liverpool (856,000), Birkenhead (148,000), Wallasey (97,000), and Bootle (77,000); six urban districts, ranging from Waterloo with Seaforth (31,000) to Huyton with Roby (5,000); two rural districts, Whiston (23,000) and Sefton (3,000). In the same area, the County Councils of Cheshire and Lancashire also operate. Fifty years ago local

administration was not difficult if Liverpool and Birkenhead agreed to co-operate. But recently, the population has spread more widely and there has been an increasing lack of co-ordination between the various authorities. The possibility of some form of federation on the London plan has been discussed.

Prompted by the movement of population during the war, by the experiment of Regional Commissioners for the war-time regional defence areas, and the coming issues of town planning and rehousing, the government recently announced that a fundamental alteration of the structure of local government could not be made at the present time. The local authorities have not yet recovered from the war-time dislocations and will be preoccupied with problems of war damage, immediate post-war planning, the launching of the far-reaching schemes of Education (Act of 1944), the National Health Service, and close co-operation with the central government in the timing and execution of the programmes of national expenditure which full employment will require. The central government dare not change horses in midstream. The full-dress enquiry which would be necessary would take some years, and there are pressing reconstruction problems which cannot wait for the review of finance, equipment, personnel and powers which a radical change in the structure of local government would involve.

There may be no thorough reorganisation, but the government has recognised that the present machinery for adjustment is not good enough. Under the existing law there are two procedures, one for the review of the county districts under the Act of 1929, and the other for the extension of county boroughs which might be in operation simultaneously when there would be no machinery to correlate their results. A county council might find itself under a duty to recast the districts in its area while it was at the same time under

immediate threat of dismemberment by one or more county boroughs.

To avoid this danger and to give a less feeble procedure for revision than at present exists, the government suggest that all proposals for the adjustment of areas should be examined by a single body whose decision might be referred in appropriate cases for review by parliament. This body would be a Local Boundary Commission of not more than five, with a staff including assistant commissioners, whose duties would include the holding of local enquiries. It would have power to review the areas both of the counties and the county boroughs, as well as the county districts, and its functions would be executive and not merely advisory. It would not be directly responsible to Parliament, but there would be two safeguards to the proper use of its powers: the Minister would have power to issue general directions and the more important decisions would be submitted to the Ministry of Health in the form of draft orders and be open to parliamentary review.

The general directions would be a formal document which had had parliamentary approval. They would direct that in their work the Commission should consider the population, the rateable value and the product of a penny rate, which are all relevant to the powers and duties which any local area can really undertake. The direction might also lay down certain minimum requirements, in the absence of which there would be a presumption that an area was not fitted to be a unit of local government. The minimum requirements which might be laid down for the creation of a new unit would not necessarily effect the status of existing authorities, e.g., that a new county borough should have a population of at least 120,000. It would suggest that the Commission should seek a good pattern of areas for the future and not merely a momentary adjustment of competing claims. Between the counties and county boroughs a balance might be struck; the

cost of services which had already been developed would not be so much considered as would the layout which would secure the services required by future population movements.

The procedure of the Commission will be to review each county area and to determine where there is a *prima facie* case for holding a local enquiry. The review would cover the boundaries of the counties as well as intra-county boundaries. Any changes which were proposed would be notified to the county councils and the Minister, and should either require an enquiry it would be held. County boroughs could request a local enquiry for an extension of their area, and municipal boroughs for the grant of county borough status. The Minister would be empowered to give the Commission directions as to the order in which the reviews would be held and it would submit an annual report to Parliament.

The Commission may venture to reduce the status of a few county boroughs which have less than a population of 75,000. It may venture to amalgamate the smallest counties, such as Rutland or the Isle of Ely, and some of the Welsh counties. Before 1929 the population of the counties varied from the 20,000 of Rutland to the one and a half million of Yorkshire, and the county boroughs from the 25,000 of Canterbury to the 704,000 of Liverpool. But any radical changes in the present richly historical but hardly rational structure could only be made by the direct intervention of Parliament. Only half of the county boroughs have more than 125,000, the minimum which is thought to be necessary for an efficient county borough system, and more than three-quarters of them contain less than the 200,000 which has been mooted as the lowest figure of population which would give the opportunity for the best administration. In future, the better planning of the large towns will require a wide dispersal of their populations and unless the areas of their present councils are extended, the latter will lose up to a third of their present citizens. The difficulties of the problem are shewn by the

fact that the government have stated that Middlesex will be withdrawn from the scope of the new Commission's work because in 1928 it had 15 non-county boroughs, of which nine had a population of more than 75,000, and 11 urban districts which exceed this figure, though the total population is only two millions. There are no rural districts and if every area which might qualify for county borough status were given it the county would disappear. Similarly, if the London area were dealt with as an urban aggregate alone, something like one-fifth of the population of England and Wales would be included, Middlesex would disappear and there would be heavy inroads on the other four adjacent counties. The problem has, therefore, been postponed.

There are, theoretically, three solutions to these difficulties which the advance of science has thrust upon us. They are the nationalisation of services which once were local, regionalism, and the creation of various *ad hoc* boards.

The government is opposed to any general policy of centralising services which hitherto have been accepted as purely local. They fear congestion at the centre and peripheral anaemia. The only permanent transfer of functions from the local authorities to the central government during the last decade were those made by the Unemployment Insurance Act, 1934, and the Old Age and Widows' Pension Act, 1940, by which the maintenance of the able-bodied unemployed and the issue of supplements for old age and widows' pensions were vested in the assistance board. Three Agricultural Acts provided for a national veterinary service and a national agricultural advisory service, and for the transfer to the Ministry of Agriculture and Fisheries of certain functions relating to the conditions in which milk was produced on the farms. By the Trunk Roads Act, 1936, too, a small mileage of county roads was converted into trunk roads and placed directly under the Ministry of Transport. No doubt in the future there will be an extension of the trunk

roads, a transfer to the state of some residual functions of the old public assistance service, the fire service and certain public utility services. For the larger part of local government work the local central demarcation formula has yet to be determined.

Regionalism has many supporters. In skilful hands the map of England and Wales can be partitioned to satisfy the geographer, the economist, the historian and every technician. But opposition to it is the only unanimity which the various local authority associations have shewn. If it is fairly to be considered, two distinctions must be kept in mind. First, in any discussion of regionalism we must distinguish between bodies which might be made responsible for policy and bodies which would execute the policy decided. This does not mean that the policy-forming bodies would have no administrative functions nor that the executive bodies would never plan. But there would need to be projected, on the territorial plane in which local government works, that hierarchy of function, which secures, in any organ of administration, an interplay between experience in the concrete variety of living action, and the analysis and planning to secure the changes in the midst of order, and order in the midst of change, upon which our civilisation depends. There are many services which need to be planned over areas larger than those of the existing county councils and county boroughs, e.g., the location of industry, and town and country planning, and in certain of the health services. Continuity with the past, which is so often a source of strength, may cause needless weakness if it is maintained in trivial forms for selfish or puerile reasons when a continuity of spirit calls for basic change. What is now prescription once was innovation. The police forces which some small boroughs cherish as though they were their only guarantee of Magna Carta were thrust upon them less than a century ago. The rich and varied history of local government should

have taught us that it was made for citizens and citizens were not made for it. Our present system was a magnificent though delayed response to the problems of an industrial revolution which has never ceased. In the main post-war problems of removing want, dispelling ignorance, eliminating disease and squalor, the first will fall mainly within the scope of central government except in so far as local authorities will be concerned with institutional treatment. But to the local authorities will fall the full development of education in which diversity and experiment are essential. In health and all environmental amenities they could play a part which would mobilise the ability and inspire the civic pride of all their citizens. To cling to services for which they are unfitted, or the form of areas which kill the spirit of any real community, local authorities deny themselves the very real powers which they might have. The spirit of applied science is moving over the face of our towns and countryside. It is creating new communities for whose metal the real experts in local government must prepare the moulds.

The second distinction which must be made is that Regionalism means directly-elected authorities for wider areas than those of the county boroughs and the county councils, to administer certain services, e.g., town and country planning, drainage, technical education, lunacy and mental deficiency, and police. It can be presented as a necessary development of the movement for larger areas which began with the industrial revolution and it does not mean the Regionalism which was used for civil defence in the last war.

The creation of the Civil Defence Regions and the appointment of Regional Commissioners to administer them did not alter the system of local government itself. Its purpose and its effect was neither to alter the existing areas nor to transfer to the central government any functions of the local authorities, but to decentralise the machinery of central government departments which were concerned with civil defence and

other wartime services. Twelve Civil Defence Regions were set up, for the most part constituted out of counties and county boroughs. The Regional Commissioners had three main functions: to act on behalf of the central government in his regions; to see that the essential civil defence services were carried out; and, in the case of a region being cut off by enemy action, to act as the central government. The commissioners and their staff were a local Cabinet which could in emergencies act as the government itself. For this reason their actual status was left ambiguous. It was simply understood that in the event of a breakdown in the perils of war the Regional Commissioner would assume supreme control of his area; that the divisional officers would look to him instead of to Whitehall; and the Regional Commissioner would operate a complete government within the region.

The government departments concerned with the different services appointed divisional officers to represent them within each region: The Ministries of Food, Information, Health, Labour and National Service, Supply, Aircraft Production, War Transport, Works and Buildings, Pensions, Mines, and the Petroleum Board, the Post Office, and Assistance Board, were all represented by divisional offices. The Board of Education undertook to use its divisional inspectors in an emergency. The Regional Commissioners' immediate staff was drawn from the Ministry of Home Security.

Before the system was adopted nearly every department had a different plan of divisional areas. The common areas of the wartime regional scheme were a great convenience. For the special problems of civil defence the Regional Commissioners were a valuable link between the central government and the local authorities.

But the local authorities were alarmed by the regional organisation. The competent local authorities were jealous of its powers and critical of its competence, while the incompetent were fearful of what it might divulge. It was,

they feared, a new machine which might intervene between the central departments and the elected representatives and staffs of the existing areas. For many purposes the regional areas were more suited to the proper planning of many local services. But, in fact, their fears were groundless. The regions appropriate for their functions of defence were not the areas which regional self-government would require. Some of them were too large, e.g., the South-West; others, such as London, were too small. They had been built up from existing county and county boroughs areas and this sometimes precluded the adoption of the most suitable areas. But the real objection to the scheme in peace-time conditions is that the Regional Commissioners were not, and cannot be, a democratic alternative to a directly-elected local legislature. There were not politically responsible in any genuine sense of the term. The Ministry of Home Security had to answer for their work in the House of Commons and they could be dismissed by the government. But this remote control could be no substitute for the control of a locally-elected chamber.

The development of local self-government along regional lines could offer matter more attractive than this. Its advocates look to the regional governments for the preservation of local traditions and local culture, with their capital towns offering scope for the administrative, business, financial, educational and artistic ability which now is lured to London. They hope, too, that it would secure a proper balance between rural produce and urban needs and the preservation of regional amenities.

The third possibility is the extended use of joint authorities. There are four main types of schemes. Local authorities have power to enter into arrangements for specific purposes which require the constitution of joint bodies with independent financial powers, e.g., water, lunacy, mental deficiency, vagrancy. The bodies so constituted for these purposes are known as Joint Boards. Secondly, local authorities may

work together for general or specific purposes through bodies which have no independent financial powers. These are called Joint Committees and may be set up for burial, tuberculosis, and libraries. Thirdly, local authorities may agree to common action in some specific field without the setting up of any joint authority, e.g., two or more counties may agree to share the services of the same chief constable or inspector of weights and measures, or they may agree to lend each other police when at one time the one may have a fair, and at another time the other may have a race meeting. Finally, local authorities appoint advisory bodies whose deliberations about matters touching many areas of local government fall short of execution.

The history of these schemes where permissive has not been very promising. They have been too few and often too late for the work which they had to do. Only when failure to make a scheme would have meant complete disaster have the protracted and difficult negotiations which seem inevitable been carried through. Only to avoid the worst and not merely to secure a better service have joint boards been set up. For example, the health of the Port of Liverpool is with the Port Sanitary Authority, composed of the Port Sanitary and Hospitals Committees of Liverpool, with representatives from Birkenhead, Bootle, Wallasey, Bebington and Bromborough. But the Municipal Co-ordination Committee which was set up in 1932 to secure the co-operation and co-ordination in the control of local services in the area of the Merseyside Municipal Authorities was a failure. In general, joint committees have got a poor reputation for weakness of judgment and paralysis of will. They have made no attempt to settle broad issues of policy or to secure prompt administration by delegation of functions. Nor have English local authorities shewn a desire to increase the efficiency of their services by making use of the technical assistance which national and regional associations could provide. They no

doubt feel that knowledge which is centralised should remain so and not be distributed to disturb their quiet content.

Joint Boards have also been criticised because they are not directly elected and have to rely for their funds upon precepting their component parts, which may mean a weakening of financial responsibility. Joint Committees, when they are used for planning, may cause an unsatisfactory divorce of planning from executive action. And certainly it is undesirable that the growing need for planning should be met by a net of *ad hoc* planning authorities to encumber the clear responsibilities of the all-purpose authorities. But the number of services in which immediate joint action is really urgent is not very large, and joint action, if it is taken in time, need not preclude ultimate integration should experience show that it is desirable.

There is clearly no final or simple formula by which the areas of local self-government can be adjusted to the changing nature of the services to be administered. The most that can be done is to distinguish the factors in the problem which are not really essential, however long and involved their history may have been, from those which are implicit in the very nature of the services as it is at present understood. In the recent development and present proposals for the public health, the education, the supply of water and other engineering services, we can see something of the real problems which are involved.

In the case of public health there is first the need to unravel the century-old entanglement of pauperism and public health. The Local Government Act of 1929 attempted to resolve this difficulty, not merely by abolishing the Boards of Guardians, but also by specifically providing that vaccination and infant life protection work, which could be operated under both the poor law legislation and the general public health legislation, should be operated entirely under the latter. It suggested, as a matter of policy, that any other

service which could, as a matter of law, be performed by a local authority, either under its poor law or under other powers, should be operated under the latter, e.g., the provision of hospitals and sanatoria, maternity and child-welfare services, venereal disease, mental deficiency and the welfare of the blind, were to be, as far as possible, operated by the committees of the councils directly concerned with them and not by the committee responsible for the relief of destitution.

The transfer of the health services interwoven with the poor law to the public health committees has not been easy. Where, as in the case of domiciliary relief to the blind, the control of buildings and equipment was not in question there were few difficulties. But in the case of institutional provision, the transfer could not take place until a general survey had been made of the hospitals and clinics to be transferred. These practical difficulties were the result of the duplication of health services under the poor law and general health powers which have been described above. The Guardians had developed a two-fold provision for the sick poor; domiciliary through the District Medical Officer, and institutional in the poor law infirmaries. For the domiciliary poor law services there was no statutory provision alternative to the poor law, and the most which the counties and county boroughs could do was to improve them by associating the county and county borough medical officer of health with their administration. In the case of institutions, the Public Assistance Committees of the counties and county boroughs, which inherited the powers of the guardians, were often reluctant to surrender to the Health Committee what had been the most interesting part of their work. Sometimes the institutions were structurally unsuitable for transfer and the best which could be done was to make the Medical Officer of Health a partner in their work. He could arrange that specialised services for tuberculosis or maternity cases could be placed at the disposal of the poor law institutions which

had not been transferred. Unfortunately, these questions which were not easy to settle on their practical merits were made more difficult by being treated as committee quarrels rather than as questions of general council policy.

In addition to the poor law tangle, there was the question of the relation between voluntary and public hospitals. Although the terms of the Public Health Act, 1875, were wide enough to allow the local authorities to provide or to contract for the provision of hospital accommodation for the general sick, they had not done so. They had provided institutions for infectious diseases more by way of securing isolation than of thorough preventive treatment of disease. For tuberculosis, maternity and child-welfare, and venereal disease the resources of the voluntary hospitals had been used. Only a close co-operation between the voluntary and the public hospitals could avoid overlapping and waste.

Before the war of 1939-45 there were locally three types of public authority which dealt with public health: (1) The insurance committees which administered certain defined classes of "benefit" to insured persons; (2) the health authorities which administered such services as they were obliged or permitted to render under the Public Health and other Acts; and (3) the public insurance committees which provided many of the same services though for different persons and subject to different conditions and requirements.

The poor law service has been planned on entirely different principles from the other two. It had within it the germ of a comprehensive health service for the entire population. For by the Poor Law Act of 1930, Section 34 (1) 1 (*c*), it is the duty of the Public Assistance Committee to provide "such relief as may be necessary for . . . such . . . persons as are poor and not able to work." The term "relief" covers medical attention, and the term "poor" was construed by the Local Government Board (and never challenged by the courts) to mean unable to pay for the relief which may be necessary.

And, in fact, Public Assistance Committees often provided all forms of medical attention, whether at home or in institutions, for those who applied for it, including persons who only by a legal fiction are poor and who, in fact, often pay part of the cost. In fact, there is underlying poor law medical work a conception of a single unified service which gives a sounder basis for future development than the multiplicity of special services for special disease, which was the characteristic of the extra-poor law legislation.

So far we have examined the medical services from the point of view of the local authorities concerned. For the individual, before 1939, the position was roughly this. Before he was born his future was cared for by the ante-natal clinics under the maternity and child-welfare scheme; at birth, mother and child could be cared for under the Maternity and Child-Welfare schemes and the National Health Insurance scheme. The schoolboy or girl might use the school medical service; the worker, if an insured person, would come under the National Health Insurance scheme; the man or woman who fell into destitution might use the poor law; while for infectious disease, tuberculosis or venereal disease there was special provision by the local authority. There was, therefore, no medical supervision between the school-leaving age and national health insurance. While medical supervision of children and for special services such as tuberculosis were available to all who were in some way domiciliary, there was general medical assistance for domiciliary sickness only for the insured or the destitute.

In addition to the personal medical services, whether domiciliary or institutional, in which, as in the case of maternity and child welfare, or the school medical services, or the treatment of particular disease, there is personal attention to individual needs, there are also the environmental services, which include the removal of refuse; the provision of houses, clean water in the home, in washhouses

and in swimming baths; the provision of parks and open spaces; and the protection of everybody against adulterated food and drugs. The distinction between these "personal" and "environmental" services is not so much a distinction between curative and preventive medicine as between two modes of attack upon a single problem. The structure and powers of local government have to be accommodated to the proper integration of both.

The problem, says a recent government paper, is not that of destroying services which are obsolete and making a fresh start, but of building on old foundations. But "there are many gaps in the existing services and much expansion and reorganisation are necessary to weld them into a comprehensive national service." In the first place, the provision of the service of a personal medical adviser depends for something like half the population upon private arrangements. The National Health Insurance scheme provides for those who come under it, but not for their children or dependents, nor does it normally provide the specialised services which the private practitioner may recommend. In extreme need this essential personal service has to be provided by the Poor Law. Secondly, there is no fully organised system of hospitals, which should include general and special hospitals, infectious disease hospitals, sanatoria for tuberculosis, accommodation for maternity, the chronic sick, and for rehabilitation and ancillary hospital services for pathological examinations, X-ray electrotherapy, ambulance and other purposes. A single modern general hospital cannot be efficiently provided for a population of less than 50,000 or even 100,000, and a largely self-contained system of hospitals would require a catchment area of some 500,000. But the hospital services which are publicly provided are mainly in the hands of county and county borough councils which, with few exceptions, are not large enough to serve as the area on which a unified hospital service could be based. In the great majority of

cases they do not provide the three essentials which are needed: the population and the financial resources for an adequate, efficient and economical service; the inclusion of urban and rural areas in a service which can fairly serve both town and country; the specialised services on which all hospitals must occasionally depend.

A fully integrated national health system would secure the co-ordination of the environmental, the hospital (general and special), and the domiciliary or personal services. And the outlines of the future scheme may already be discerned. For the domiciliary there will be a group practice with whole-time doctors, who will also undertake the maternity and child-welfare of the schools. They will be based on Health Centres, which will normally be provided by the county and the county boroughs. For the hospital services the government propose joint authorities of county councils and county boroughs in joint boards, which will operate over areas which will be settled by the Minister in consultation with the local interests. Where, in the counties, isolation hospitals for infectious disease are owned and administered by the county districts, they will be transferred to the new joint authority. This transfer will not reflect on the work the minor authorities have already done, but it must be made because such hospitals should not be used merely to prevent the spread of particular infections, but to provide the expert treatment and nursing which severe and complicated cases of infectious disease may require. And although the government do not wish to interfere more than is necessary with the present shape of local government, the proposed joint authorities will have to prepare a rational and effective plan for all branches of the health services in their area. Finally, the different bodies might be brought under an advisory council within a region which would include a research hospital or university hospital as a key centre.

On August 3rd, 1944, the Education Act became law and

the President of the Board of Education became a Minister with a duty to "promote the education of the people of England and Wales and the progressive development of institutions devoted to that purpose, and to secure the effective execution by local authorities under his control, and direction of the national policy for providing a varied and comprehensive educational service in every area." The significance of the new duties of the Minister are discussed below. Here, the far-reaching changes in local administration which the Act implies must be briefly stated. By the Education Act of 1902 the county councils and the county borough councils were made the local educational authorities for all forms of public education. But the Act also made urban district councils which had a population exceeding 10,000 at the 1901 census and municipal boroughs with a population exceeding 10,000 at the same date, the local education authorities for elementary education only within their areas. Under the new Act the category "elementary" disappeared from the English educational system and the existing local education authorities for elementary education disappear also. The county borough and the county council become responsible for all education within their area subject to the compromise which is embodied in Part III of the First Schedule to the Act.

Under Part I of the First Schedule the Minister may constitute a "joint education board" for the areas of two or more counties or county boroughs which may be too small or poor to provide by themselves a proper education service. And under Part III the areas of counties may be partitioned "into such divisions as may be conducive to efficient and convenient administration," and in these bodies of persons to be known as "divisional executives" are to be constituted to exercise on behalf of the authorities "such functions relating to primary and secondary education as may be so specified." These schemes of divisional administration are to be made by the county councils, but the council of any borough or urban

district may, before 1st October, 1944, lodge a claim to "be excepted from any scheme of divisional adminstration to be made by a local education authority," and if the population of the borough or urban district was, on 20th June, 1939, not less than 60,000, or a total of 7,000 children in its elementary schools, the Minister must allow the claim. In other cases, he is to consult with the county council and any other councils concerned and allow the claim if he considers that there are special circumstances justifying it. In this way the difficulty has been met that many of the councils of boroughs or urban districts, which have been elementary educational authorities since 1992, were larger, wealthier and more efficient education authorities than some of the counties and county boroughs. As there was not time to select from them a group of authorities which should become education authorities, the scheme of "divisional executives" was devised. One hundred and sixty-nine elementary education authorities cease to exist on 1st April out of a total of 315 local education authorities under the Act of 1902. It will be necessary for the authorities to work out divisions which have an educational unity; and these may not necessarily be identical with the best units for highways or the poor law. It is necessary in allocating powers to balance between those functions which require planning on a county scale and those in which a close and intimate knowledge of the locality is a real advantage. It will be difficult to find the proper place for the divisional executive between the governors or managers who will be concerned to relate the school to the local community and the town authority which, if it is to plan, must be able to lay down standard in building, staff and equipment. While the Minister has suggested that 60,000 is the minimum population suitable for an executive district, the mere merging of a sufficient number of contiguous county districts to provide the necessary aggregate of population will not be sufficient. The areas must have an educational unity. Within 12 months

of March 25th, 1945, it is intended that each local education authority "shall estimate the immediate and prospective needs of their area, having regard to the provisions of this Act and . . . prepare a plan showing the action which the authority propose should be taken for securing that there shall be sufficient primary and secondary schools available for their care, and the successive measures by which it is proposed to accomplish that purpose." One of their most difficult tasks will be to estimate the future population of the area for which they are responsible. The effects of total war and the possible effects of future large-scale planning make this very difficult. In one county with a present population of 600,000, the future population is variously estimated at anywhere between 750,000 and 2,000,000.

The most important clause in the Act is number 7. The history of education in the 19th century resulted in an overlap between elementary education which continues to 14 and education other than elementary which begins at 11 plus. But secondary education was available for only 10 per cent. of the children eligible by age and for 90 per cent. of the children attending state schools only elementary education is available. Clause 7 says that "the statutory system of public education shall be organised in three progressive stages, to be known as primary education, secondary education, and further education," and that "it shall be the duty of the local education authority for every area, so far as their powers extend, to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient education throughout those stages shall be available to meet the needs of the population of their area." Clause 8 instructs local education authorities to have particular regard to the provision of separate schools for primary and secondary education; the needs of children under five; the needs of children suffering from "any disability of mind or body"; and, for the first time in our education history, local education

authorities are to consider the "desirability of boarding schools."

Finally, we must mention the compromise on the "dual control" which all the parties concerned have agreed to accept. There are three categories of voluntary schools: controlled, aided, and special agreement. For the expenses of the first the local authority will be entirely responsible; for the expenses of the second and third, the managers or governors are responsible for the capital expenditure on alterations required by the local authority to keep the premises up to standard, and for expenditure on repairs to the exterior of the buildings. The local education authority is responsible for all the running costs, including teachers' salaries, for repairs to the interiors and the playgrounds, and for the erection and maintenance of buildings used exclusively for the school medical and meals services. But while the managers or governors of these aided or special agreement schools are responsible for certain categories of expenditure, they have only to find half the money.

Engineering services are not so subtly intertwined with history as are health and education. The supply of water may be briefly considered. The natural resources of this country, in terms of rainfall, are abundant. The supply of surface water amounts to about 15 times the total present consumption for domestic and industrial purposes. The problem is to conserve and use these abundant supplies in accordance with a planned economy which will give a proper distribution. Nor is the cost of water supply a heavy burden on the ordinary citizen. The water rate is rarely more than 2s. 6d. In a house with a rent of 10s., the charge for water would generally be under a penny, a sum which is much less than the usual cost of gas or electricity in the same household.

The supply of water was a pioneer health service to which we owe our present immunity from typhoid and other water-born diseases. Started, for the most part, by statutory

companies, today some 80 per cent. of the undertakings are municipally owned. The scientific knowledge, technical skill and enterprise which have gone to the supplying of water to London, Birmingham, Bristol, Liverpool, Manchester and Sheffield have been outstanding. The Public Health Acts of 1872-78 placed upon sanitary authorities the duty to secure a supply of clean and wholesome water for their areas. But for the very reason that it was one of the earliest services, the supply of water has suffered from the handicaps of the pioneer. The service grew up in the age of the horse and cart, and the legislative framework is now largely obsolete. The Waterworks Clauses Act dates from 1847 and is quite unsuited to modern conditions. For a long time local sources, which had in fact determined the location and growth of local communities, met or were made to meet local needs. But with the growth of large towns water had to be sought far afield. Between 1879 and 1904, Manchester, Liverpool and Birmingham developed and brought their supplies 106, 68 and 74 miles from the area supplied. But the system, as a whole, grew up piecemeal with resultant overlapping and waste, the result sometimes of local initiative, sometimes of local rivalries, but mainly because there was no exact information or powers of guidance at the centre. That there was not even more waste and overlapping was probably due more to good luck and commonsense than to any effective central control since the control the legislature could exercise over private bills was more restrictive than constructive.

But the increasing demand for water, which has doubled in the last 30 years, has brought the need for long-term planning based on the fullest information. In 1924 the Ministry of Health began to encourage the formation of Regional Advisory Water Committees for important areas with a common water problem. There are nine of these committees on which water undertakers in the region, county

councils and the Ministry of Health are represented, covering a total population of 16,000,000. The Water Pollution Research Board of the Department of Scientific and Industrial Research was set up in 1927 for the purpose of research on the prevention of the pollution of rivers and other sources of water supply. In 1937 the government set up the Central Advisory Water Committee, which is constituted on a widely representative basis and is concerned with water generally. It has recommended a simplification of the procedure for obtaining water powers and advocated the setting up of River Boards (in 1943) to take over the functions of existing local authorities in relation to land drainage, prevention of pollution and management of fisheries.

There are, however, conspicuous defects in the central and local organisation. Although the provision of wholesome water is the duty of the Minister of Health, his responsibilities and powers are somewhat vague and ill-defined. Parliament has no machinery for ensuring that the water powers which it has given are properly exercised. The Ministry of Health, to which it would naturally look for guidance, has no direct powers to control. In the local areas, while there is a general obligation under the Public Health Act on county boroughs and county districts to review from time to time the water supplies in their area, they are under no obligation to see that a piped supply is available to every house. There are, moreover, a thousand separate water undertakers in England and Wales, and though 26 of them supply 50 per cent. of the total population and 123 supply 75 per cent., there is a clear need for more amalgamations. But apart from specific defects there are reasons for a thorough overhaul of the present water supply system. With the rising standard of living the consumption of water is increasing by leaps and bounds. Urbanisation, which increases the demand for water to fill the baths and wash the car, at the same time may diminish the supply because the covering of ground by impervious materials in

roofs and roads diverts the water to drains and rivers which previously would have saturated the ground. The government have, therefore, proposed that the Minister of Health shall have the duty to consider proposals submitted to him by water undertakers in the light of the best knowledge which is available, and decide whether or not they accord with an economic use of water resources and are equitable in relation to other areas and interests. In place of the previous system under which water undertakers (other than those operating under the Public Health Acts) obtained development powers by promoting a private Bill, there will be a simplified system of Ministerial orders. He is also to be given additional powers to secure amalgamations of water undertakers and to authorise county councils to become members of a joint board. Provision is also to be made for active central supervision of the need and standard of achievement of the various areas.

CHAPTER VII

The Response to New Conditions, 1929–1945, (2) *Finance*

In 1929 a variety of problems which had accumulated since the Local Government Act of 1888 were taken in hand. Among them were the scattered distribution of the public health services among the counties and the county districts; the overlapping, which had been condemned as long ago as the Poor Law Commission of 1905–09, of the poor law and the general medical services; and the inadequacy of the rural district councils as road authorities. These have been discussed in chapter IV. At the same time the need to give some relief to industries and agriculture, which alleged that they were handicapped by the existing system of local rates, led to a general revision of the financial relations between local authorities and the central government. The financial changes of the Local Government Act, 1929, were intricate and far-reaching in their implications.

It was decided to relieve agriculture and industry of certain rate charges, to discontinue certain grants in aid and to make good with a new block grant the revenue so lost by the local authorities. The relief to agriculture was the freeing of all land and buildings used for agricultural purposes, and no other, from any rate payments at all. The "derating" of agricultural land which had been so much a bone of contention in the 19th century was thus completed. To give relief to industry all hereditaments occupied and used as mines, factories and workshops were relieved of three-quarters of their rates; and so too were hereditaments used for railway or canal transport purposes, so that they might pass on the benefit to industry by means of reduced freight charges. As the loss of revenue by these "deratings" would have to be made good to the local authorities, it was decided

at the same time to discontinue the remnants of the system of assigned revenues; certain of the health grants, namely, those for tuberculosis, maternity and child-welfare, the welfare of the blind, venereal disease and mental deficiency; and the classification grants for Class I and Class II roads in London and county boroughs, and the grants for the maintenance of scheduled roads in county districts. To make good the loss of revenue, both by derating and the discontinued grants, the local authorities were to receive a sum which represented the loss of grants and the loss in rates which local authorities would have incurred had the scheme been in force in the year 1928-29. The loss on account of grants was approximately £16 million and the loss on account of rates was approximately £22 million. In addition, to cover the natural increase in both rates and grants which would have resulted under the old system, a further sum of £5 million a year was to be given for the first three years and after that, such a sum as Parliament might determine. In 1933 an additional £350,000 was provided, and in 1937 the total block grant for the period 1938-43 was fixed at £46,172,000 by the Local Government (Financial Provisions) Act.

The new system was intended to be simple. The government would have liked, as would Goschen in 1888, to get rid of the meticulous control of local expenditure by government departments which percentage grants involved. It wanted also to equalise the burden of the rates in different areas. It wanted to meet the claims of industry and agriculture. The new block grant was regarded as only a first step towards equalisation.

Its administration is however a complicated business. The size of the grant has to be redetermined every five years. Between 1929 and the fixing of the grant for the period 1938-43, many changes had taken place in the responsibilities of the local authorities. The Unemployment Assistance Act, 1934, had transferred the cost of maintaining the "able-

bodied poor" from the poor law to the Unemployment Assistance Board. Trunk roads had been transferred from the county councils to the Ministry of Transport. The Midwives Act of 1936 had compelled local authorities to incur expenditure in a service which was, before 1930, grant-aided. Then, assuming that the block grant is fairly determined, it has to be allocated among the local authorities entitled to relief. This is done by the application of a formula which is intended to secure a distribution according to the needs of the counties and the county boroughs. The total sum due on account of the losses on account of grants and rates is credited to a national Exchequer Contribution Account, and the actual sums distributed to the counties and the county boroughs are the county apportionments and county borough apportionments, determined by a formula which takes account of the population, the proportion of children under five years of age, low rateable value, the high proportion of unemployment, and the sparseness of population as compared with mileage of roads in each county and county borough. The share of each county and county borough is determined by its need as measured by its population weighted by the formula.

In the case of the counties the county apportionments has to be divided among the county council and the district councils.

The formula has been the cause of some confusion. In some quarters it has been thought that anything so difficult must have settled all the questions. Its basis was, in fact, purely empirical. Changes in government policy, such as the introduction of children's allowances or the transfer of the cost of domiciliary relief from local authorities to the central government, would make alterations necessary.

The block grant has many merits. The local authorities know how much they will get for several years ahead and the Treasury know what they will be called upon to meet. There

are none of the petty details to be surveyed which are inevitable with percentage grants. But the block grant covers only a third of all the grants which the central government makes to local authorities. There are specific grants for police, education, housing, highways and bridges. Both the block grant in aid of general revenues and the specific grants are necessary. The former may make good the inequalities in the ratio between the needs and the resources in different areas. For new services, specific grants, whether they are on a percentage or a unit basis, have their place. The grant of so much a house, or of 50 per cent. of the extra cost incurred by a local authority on a new and necessary service, is a useful stimulant no government would willingly forego. In the case of the police a grant of one-half the approved net expenditure of the local authority has been the method by which the government has secured the vital national service of an efficient police without incurring the political dangers which a centralised police would involve. In education a complex formula provides some 50 per cent. of the total expenditure of local authorities on elementary education, allocated partly according to their expenditure and partly according to their needs. The grant was based in 1932 partly on the average attendance, partly on the authority's expenditure and partly on the product of a sevenpenny rate in the area. For housing the unit grant has been very much developed. In 1919 the Exchequer used the disastrous expedient of paying all the loss in excess of a 1d. rate in the area of the authority concerned. In 1923 this arrangement was reversed. The liability of the state was fixed at £5 per house for twenty years, and the local authority could contribute as much as they pleased. In 1924 provision was made to give higher grants for the houses built for agricultural workers, and in 1930 so much per annum was given for a fixed period of years for each person removed from a slum and rehoused. Finally, in 1939, there was to be a normal unit grant of so

much per house for 40 years, with a compulsory contribution from the rates of half that amount, but with the provision that Exchequer contributions might be increased by £1 per annum in poor urban areas. In 1929 the Road Fund Grants to London and the county boroughs and certain other grants were abolished. There remained certain grants for Class I and Class II roads outside London, the county boroughs, percentage grants towards the construction of new roads and bridges, and of major improvements on all Class I and Class II roads, and percentage grants towards the cost of improvement of unclassified roads. In 1936 the Trunk Roads Act transferred the great "trunk" roads outside the county boroughs from the county councils to the Minister of Transport. The county councils or, in some instances, the councils of the larger boroughs and urban districts, now maintain or improve these roads as agents for and at the expense of the Ministry. For other roads the grants continue to be made on a percentage basis which varies from 50 to even 80 per cent. They are given at the discretion of the Minister of Transport for schemes which he has approved.

As we have seen, the rating system has certain advantages for the local authorities. Rates are easy and cheap to collect. Rateable values do not vary much from year to year. The method has been accepted for many centuries. Since the failure of assigned revenues, rates have been a safeguard to local self-government. Separate representation without separate taxation would, in the long run, be impossible to defend.

But the rates have not been expansive as a source of revenue and they could not provide the cost of the new services which are required for the most modest version of social democracy which we may expect. In 1938-39 local rates yielded no more than two and a half times as much as they did in 1913-14. The total rateable value increased by only 50 per cent., whereas the national income, in money terms, more

than doubled. Partly, this fall has been due to the derating of agricultural land and buildings, industrial and freight transport properties and but for them the present rateable value might be about £50,000,000 to £60,000,000 higher. There has been a tendency for the property liable to rates to be undervalued, particularly the houses built since 1920. But whatever is done there must be very large Exchequer grants. In 1914 the ratepayer paid £71 million (the equivalent of 6s. 9d. in the £) and Exchequer grants were £22½ million. In 1939 the ratepayer paid £191 million (the equivalent of 12s. 6d. in the £) and Exchequer grants were £147 million. In the same period there were deliberate experiments to discover the principles best suited to govern the distribution of the grants. In 1914 none of the grants were distributed on a basis which took into account the relative financial needs of the various authorities. The assigned revenues were failing and grants in aid for urgent and specific services were developed piecemeal. By 1939 over half the total sum was distributed on a basis which took relative need into account.

If there is to be a great extension of the services of local authorities in the post-war years and a levelling-up of the efficiency of existing services there will be a great increase in local expenditure. Will the existing system of finance and administration bear the additional strain? The existing system is not the result of any systematic attempt to create a local government structure on any theoretical plan. It is a collection of expedients, the outcome of empirical response to imperative needs and political pressures. That it is irrational does not mean that it can be ignored. Continuity with the past in local government is usually a political necessity though an administrative anomaly. Boundaries which were the result of historical accidents have created loyalties, influenced trade and communications and created offices and expectations which are all real factors in the current problem.

But the growing unity of the country has brought into

clear relief the anomalies of the local financial areas. In 1832 the services which were provided locally were so purely local, and varied so closely with the local interest in the retention or removal of the stink of pigs and men, in the choice between walking along a highroad or floundering in its mud, that differences between the rates which were levied in the several areas were regarded much in the same light as inequalities in taxation between separate countries. Though they enjoyed the protection of the same fleet and contributed to the cost of the same army, the counties were for social services almost separate countries. But when the railroads and then the motors close knit the country, a large proportion of the children in one district were found to be going to others when their education was complete; the police of one authority were borrowed to deal with the crowds in the market-place or on the racecourse of another, and, in general, the neglect of one area to kill a microbe, suppress crime, or relieve poverty, affected all the rest. Public opinion has begun to insist that certain standards should be compulsory in every place. The idea of a national minimum in every area is the corollary of the idea of a national minimum for every person.

If local government is worth preserving for political reasons the local authorities must be given a substantial field of their own in which they can show their initiative and discretion. They will need for this their own independent resources.

The possibility of a local income tax to supplement the rates as a source of revenue has natural attractions. To minimise the administrative difficulties it has been suggested that it might be limited to the counties and the county boroughs, while the actual machinery of assessment would be done by the Board of Inland Revenue, to whom the local authorities would send their precepts. Earned income and income from foreign investments would be taxed in the area of residence and all unearned income that could be localised would be

taxed in the area from which it was derived, the income from enterprises extending into several areas, being divided among them in proportion to the rateable value of the property occupied in each. But the proposal has always been rejected on the ground that it would materially interfere with the usefulness of the national income tax as a source of revenue. Moreover, the administrative difficulties are serious. It might be possible to work a combination of local income tax of varying rates with an imperial income tax at a uniform rate and maintain the principle of collection at the source, provided that the local income tax were assessed and collected in the first instance at a maximum rate subject to the right of the individual taxpayer to repayment of the difference; and if the proceeds of the tax were allocated by reference to the place of residence of the individuals who receive and enjoy the income. But the first would involve the withdrawal of considerable sums from the taxpayer and cause much trouble and expense in connection with repayment; while the second would give rise to the inequalities between residential and industrial districts, which would destroy the value of the scheme. There is, however, another solution possible. The bulk of the expenditure of local authorities is upon the five main services of education, health, police, housing and highways. The income necessary for a basic minimum standard in these services might be provided for each of them. The grants need not be on a simple percentage or unit system, but could be varied according to the means of the local areas. The rates are not at present a heavy tax. They amount, over the whole country, to not more than 1s. in the £ on working-class incomes. But there is a wide disparity in the level of the rates between different areas. A recent analysis has shewn that nearly all the boroughs with rates over 16s. in the £ are poor and nearly all those with rates under 11s. are rich. At the end of the scale, Bournemouth has a rate of under 8s. in the £ and Merthyr Tydvil and West Ham have rates over 20s.

These disparities would not be removed by removing the present inequalities in valuations. The rich boroughs get large incomes per head of their population even though they levy low rates; while the poor boroughs get a low income per head even though they levy high rates. The existing block grant system has not substantially reduced the inequality. The most important inequalities are caused by the cost of the health services and poor relief. For they are most required in those areas which have the smallest rateable values per head. If the cost of public assistance as a local charge could be got rid of, the greatest cause of the present inequalities would be removed. This is a change which would be in line with developments since 1909. For we have seen that the poor law has more and more tended to become a residuary service to make good the provision which the central government, by health and unemployment insurance, has made in the interest of social security. As a residuary service, it is most unsuitable for local administration. For it is likely to be heaviest in those areas where the need for expenditure on public health and civic amenities is greatest. The result is often violent oscillations in the scale of relief; for in times of full employment when the total charge is small, the scale is raised, while in times of unemployment the total cost compels a too drastic reduction in the scale. When there was no machinery or technique available for the national administration of poor relief it was inevitable that the cost should fall upon the local owners and occupiers of immovable property. For there was nowhere else where it could fall. The conditions of administrative technique which made the central administration of poor relief impossible also made impossible a local income tax. But now there are no administrative impediments to the transfer of the cost of domiciliary relief to the central government. This would greatly simplify the problem of allocating central grants to local authorities, which they are more fitted to perform. Their

interest would be shifted from poor relief to matters more attractive in which local initiative and pride would be more vitally involved: education, hospitals services, housing and town planning. The grants for these could be based upon a modification of the existing block grant system. It could be made to depend upon the product of a standard rate in the £ (say 12s. 6d.) in their area. The central government would make a grant which, with the product of the standard rate, would give local authorities a certain standard amount per head of their population.

The new block grant under the Act of 1929 and the complex formula grant under the Education Acts increased the general tendency of the departments which are concerned with local authorities to exercise a general control which makes them partners with the local authorities. In 1834 under the stimulus of a particular emergency, and inspired by a particular theory, the Poor Law Commissioners were given detailed powers of control over the newly-created Guardians of the Poor. In no other sphere of local government has any Minister such detailed powers as the Minister of Health has in the case of poor law services, powers which he has inherited from the early poor law policy. In 1930 the Poor Law Act restated the principle of close control in Section 1, which says, "the Minister of Health . . . is, subject to the provisions of this Act, charged with the direction and control of all matters relating to the administration of relief to the poor throughout England and Wales, according to the law in force for the time being." In the case of the poor law service, the "law in force for the time being" provides for most meticulous control. But what was given to the central government in 1834 for the poor law service has been indirectly secured for others during the last hundred years by the development of grants in aid and, still more, by the very nature of the services which have to be administered by a number of authorities of different wealth and experience. In

the case of roads, it is enough for the local authorities to act as the agents of the Minister of Transport in the work of maintaining and developing important roads. In the case of education, a very special kind of partnership has been developed between the President of the Board (since 1944 the Minister) of Education and the local authorities. It has been characterised by the frequent use of a "scheme" procedure. Section 1 of the Education Act of 1918 required the counties and the county boroughs, when required by the Board of Education, to submit to the Board schemes showing "the mode in which their duties and powers under the Education Acts are to be performed and exercised, whether separately or in co-operation with other authorities." Under Clause 1 of the Education Act of 1944, the Minister of Education has a duty "to secure the effective execution by local authorities, under his control and direction, of the national policy for providing a varied and comprehensive educational service in every area." Hopes have been expressed that without impairing the spirit of partnership in which the Board of Education and the local education authorities have always worked, it will now be possible for the backward authorities to be enabled and persuaded to provide a decent provision for the people in their areas. Under the Housing Act of 1936 the Minister of Health may give a fixed annual contribution for the rehousing of each person displaced by the action of a local authority in clearing a slum area; and if at any time the Minister is satisfied that the local authority has failed to discharge any of its duties under the Housing Acts the Minister may withhold the grant.

In the case of public health prior to the Local Government Act of 1929, the Minister had whatever influence the right to give or to withhold the various percentage grants for special health services conferred. But these grants were discontinued by the Act, which therefore provided that the Minister of Health might reduce the sum payable to any local authority under the block grant scheme "by such amounts as he thinks

just, if he is satisfied that the council have failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of their functions relating to public health services," or if he is satisfied "that the expenditure of the council has been excessive and unreasonable"; or, "the Minister of Transport certified that he is satisfied that the Council have failed to maintain their roads or any part thereof in a satisfactory condition." Whenever the Minister makes such a reduction he must lay before Parliament a report stating the amount of the reduction and the reason for it. This means that the Ministry of Health may reduce the share of the block grant due to any local authority if any of its health services (and not merely the special services covered by the percentage grants which the Act of 1939 discontinued) are inefficient; or if any action of the council has resulted in expenditure which is excessive or unreasonable. Indirectly, the Minister has obtained the means of controlling every part of local government which may involve expenditure. The Annual Report of the Ministry of Health stated in 1931 that the Local Government Act of 1929 had "rendered it necessary for the Minister to interest himself directly in the general standard of performance by local authorities of their public health functions, and the results obtained for their expenditure on health services" and that he had "decided that this purpose could best be attained by a periodic survey of the health services of each authority . . . The object of these surveys has been to obtain a broad general view of the health performance of the local authority, where it is good as well as where it is defective, and they, therefore, range over a wide field, including not only the services which were formerly grant-aided, but such services as the control and treatment of infectious diseases, lunacy, water supply, sewerage, supervision of the food and milk supplies, and the transferred poor law medical services." It added that "it is anticipated that these surveys of health services, by the opportunities for

consultation and for the pooling of information which they provide, will enable the Minister to be of assistance to local authorities in the discharge of their health functions, without impinging on due local responsibility." The Minister has the power to advise, to encourage and to warn, with the power in the last resort to refuse financial supplies.

It must be added that, in addition to its control over the income which local authorities derive from the block grant under the Local Government Grant of 1929, the Ministry exercises a close control over their capital expenditure. The legal position and the practice were described by the Ministry in their evidence before the Royal Commission on Local Government:

"Most loans raised by local authorities require the authority either of Parliament or of the Minister of Health, even where the work is under the supervision of other government departments, such as the Board of Education in regard to schools, and the Minister of Transport in regard to roads. Loans have generally to be sanctioned by the Minister of Health, the principal exceptions being that the Minister of Transport deals with loans for tramway, harbour, and light railway undertakings, and the Electricity Commissioners with loans with regard to electricity undertakings, but in the last-mentioned case there is a statutory obligation to consult the Minister of Health." . . . "There is a good reason for the concentration of the power to sanction loans in one department, because this is the only way in which the whole financial position of a local authority can be effectively brought under review."

Every device of central local co-operation was needed to cope with the emergency of air-raid precautions in 1939.

On the 1st May, 1935, the decision had been taken to organise the Civil Defence Services in the United Kingdom. The responsibility was first placed upon the Home Office because it administered the police who it was thought would

be the disciplined nucleus of civil defence. In time responsibilities were handed over to other government departments. The Minister of Home Security became responsible for the general co-ordination of all matters connected with civil defence, and he was chairman of the Civil Defence Committee of the War Cabinet, which included the Ministers of Health, Labour, Works, War Transport, Food, the President of the Board of Trade and the Board of Education and the Secretary of State for Scotland. Beside the specific civil defence services—rescue, wardens, fire guards, and report and control centres, and air-raid shelters, the Minister of Home Security, in his capacity as Home Secretary, was responsible for the police and fire service. The Ministry of Health was responsible for first-aid posts, ambulances and hospitals, and evacuation of children, billeting, rehousing, rest centres, first aid to buildings, and the maintenance of water supplies.

The whole organisation of Air Raid Precautions and Civil Defence was based on the local government organisation. The only alternative to doing this would have been to set up a completely independent organisation and this was inadvisable because the services would have to operate locally and in the very closest co-operation with the local authorities.

A broad outline of the proposed organisation was prepared setting out the various services which the local authorities would have to set up and enough general information about the objects of the organisation to enable local authorities to visualise their problem. As soon as the outline scheme had been issued a series of conferences was held with all the principal local authorities at which the scheme was outlined in more detail. The authorities were given some weeks to digest the outline scheme and then a certain number representing typical areas were asked to complete their detailed schemes so that the working and the cost might be judged. The authorities were divided into two kinds, known as scheme-making authorities and non-scheme-making

authorities. The former were county boroughs and county councils, though certain important non-county boroughs were also made scheme-making authorities, e.g., Swindon, Salisbury, Chesterfield. In every local authority there was a controller in charge of all the Civil Defence Services. He was, in many cases, the Town Clerk, in some, the Chief Constable, and in others, a Councillor. The controller was assisted by an Emergency Committee which normally consisted of three persons, all members of the local authority council.

It was finally agreed and embodied in the Air Raid Precautions Act, 1937, that the government should pay grant ranging from 60 per cent. to 75 per cent. of the cost of the Civil Defence Schemes, the rate of grant varying with the financial position of the authority concerned. The poor authorities got the highest grant. It was also agreed that any cost to the authority itself in excess of a penny rate would receive additional grant ranging from 85 to 90 per cent. In addition, certain specialised equipment, e.g., respirators, anti-gas clothing, was supplied free by the government. The passing of the Act and the settlement of the finance made it obligatory for local authorities to prepare their schemes.

CHAPTER VIII

London, 1835-1945

The history of the government of London from 1835 to the present day shows, in an acute form, the problems which have been created by the interplay between political timidity and the drive of social facts in a century which has seen the greatest increase in our control over the material conditions of life in the history of the world. Since 1835 there have been three Londons in the story of her government: (1) the square mile of the City of London; (2) an area of approximately 117 square miles, which in 1855 was placed under the Metropolitan Board of Works for the urgent problem of sewerage and street improvement, and in 1888 allocated to the London County Council and renamed the Administrative County of London; (3) Greater London, an area of nearly 700 square miles, which since 1829 has been used for police administration and was adopted in 1875 by the Registrar General for vital statistics. This Greater London corresponds approximately to the living unity of London as a social and economic reality, though changes in transport since 1900 may make even this area anachronistic as a description of the London which a geographer would understand or an enemy bomb. The City, the Administrative County, and Greater London, are the protagonists in the story we must tell.

The Municipal Corporation Act was not applied to the City of London. The Royal Commission on Municipal Corporations dealt with the Corporation of the City in their second report, published in 1837. But any attempt made to obtain for the Capital the same right of local self-government which the Act of 1835 had given to other important towns was defeated by the vigorous action of the Corporation of the City, who were able, by taking advantage of the weakness of

the Whig government, to prevent the principles of 1835 being applied to London. The second report of the commissioners had pointed out that in other towns the suburbs outside the limits of the existing corporate authority, had been included in the new Municipal authority so that what would popularly be called the town might be under a single authority. However large the new population which was included, it had been assumed that the extension of area would not overpower or destroy the primary importance of the nucleus of the town under the old corporation. But in London they agreed that the word "suburb" could no longer be "applied with its usual significance to the vast extent of uninterrupted town which forms the Metropolis of the British Empire." At that time the built-up area covered an area of approximately 22 square miles and had a population of over a million. Clearly, if the area of the City were extended to include the whole of the built-up area, the balance of government would not have remained undisturbed. Jonah could not swallow the whale and remain the man he was. But the Commission did not think that the practical difficulty that the previous balance would be disturbed should be a matter of principle. Nor did they consider it practical to form the quarters of the town other than the City Corporation into independent and isolated communities. Because the City Corporation was unique there was no reason why the government of London should not be one but many, and very many indeed. The City thought otherwise. Its Corporation was one of the oldest in the kingdom. It retained customs and jurisdictions inconsistent with the principles of the Municipal Corporations Act, 1835, and condemned by more than one parliamentary commission. Outside the City there were seven boards of commissioners of sewers, nearly 100 paving, lighting and cleansing boards, about 172 vestries, the boards of guardians established under the Act of 1834, the commissioners of highways and bridges, turnpike trusts, and

many other bodies, the whole forming "the most extraordinary state of local management that ever existed in any country."

The City defeated the intention of Lord J. Russell to introduce a Bill in 1837; they managed to exclude the square mile of the City from the Police Bill of 1839 defining the Metropolitan Police area, though a committee of the House of Commons had reported of the City Police that "if a scheme could be contrived for increasing vice and crime, nothing could be better calculated than the system of police in the City of London." They defeated Lord Grey's City Reform Bill in 1856 and secured the withdrawal of another in 1858. Their opposition was "the most remarkable illustration of how a powerful and united vested interest can successfully delay the most needed reform."

In 1854 another Royal Commission reported that in London the application of the principles of 1835 was impossible. They thought that a single government for 75,000 acres and a population of 2,800,000 would alter the whole character of the city corporation and defeat the main purpose of municipal institutions. London they saw was, by reason of its size, a number of communities. It was equally clear to them that in another sense London, in spite of its size, was a single community. "London," they said, "is a province covered with houses; its diameter from north to south and from east to west is so great that persons living in its furthest extremities have few interests in common; its area is so large that each inhabitant is in general acquainted only with his own quarter and has no minute knowledge of other parts of the town. Hence, the first two conditions for municipal government, minute local knowledge and community of interest, would be wanting if the whole of London were, by an extension of the present boundaries of the City, placed under a single municipal corporation." They reported against the extension of the City boundaries, but recommended the

creation of a Metropolitan Board of Works consisting of delegates from the vestries of the larger parishes and the smaller parishes grouped into districts.

The Metropolitan Board of Works was set up by the Metropolis Local Management Act, 1855. The inhabited metropolitan area, outside the City of London, was at the time in a state of chaos almost indescribable. "The present condition of this huge metropolis," said Toulmin Smith in 1852, "exhibits the most extraordinary anomaly in England. Abounding in wealth and intelligence, by far the greater part of it is yet absolutely without any municipal government whatever." At least 300 different bodies with a membership of 10,000 persons carried out what parody of local government there was. The only germ of a Metropolitan body was the Metropolitan Commissioner of Sewers appointed under the Metropolitan Commissioners of Sewers Act, 1848, in substitution for various ancient local Commissions of Sewers. There were at least 300 parochial boards operating under as many separate Acts of Parliament. There might be as many as nine paving boards responsible for one mile of street.

The Metropolitan Board of Works was made the central authority for the drainage, paving, cleansing, lighting and improvement of the area which had been under the Commissioners of Sewers since 1848. It had an area of approximately 75,000 acres and a population of 2,800,000 living in 260,000 houses. Only the central areas, the City, Holborn-West, and Kensington, together with the riverside parishes and parts of the East End and South-East districts were fully built over. Apart from park and open spaces, more than half the area was undeveloped land, mostly fields used for grazing, and some areas of cultivated land. This is the same area which became in 1888 the Administrative County of London.

The Metropolitan Board of Works was composed of 45 members, in addition to a paid chairman. The members were elected for three years, one-third retiring every year.

They were indirectly elected by vestries or district boards within their area, established by the Act. In the largest parishes vestries were established; while the smaller were grouped into 15 district boards. There was no approach to equality in the area, the population, or the rateable value of the districts by which the members of the Board of Works were elected. Indirect election meant that many years might elapse before the seat of a member of the Board could be in any way affected by public opinion. In practice, a seat at the board came to be regarded as an estate for life, and only in rare instances did a member lose his seat.

The chief task with which the Board was charged was to construct a system of sewers to prevent "all or any part of the sewage within the metropolis from flowing or passing into the Thames in or near the metropolis." Within ten years it had constructed a main drainage system by which the sewage was conveyed to outfalls several miles away from the town. It was given control over the embankment of the river, over the prevention of Thames floods and over many of the bridges. It carried out large metropolitan street improvement under various acts of parliament passed for the purpose. It made Garrick Street, Southwark Street, Queen Victoria Street, and Northumberland Avenue, and it widened Kensington High Street. In 1866 it took over the fire engine establishment of the London fire insurance companies, and in the following year the machinery and apparatus of the Society for the Protection of Life from Fire. The London fire service was not perfect. In 1877 a Select Committee reported that the arrangements "whereby the fire brigade is administered by the Metropolitan Board, where two separate police forces exist side by side, and the water supply is sectionally furnished by eight independent companies, were not such as to furnish adequate protection to life and property; and contrast unfavourably with provincial systems, where the fire brigade, water supply, and police are under a single

authority." Under an Act of 1874 it was empowered to regulate offensive trades within the metropolis and, under the Explosives Act of 1875, explosives. It was the authority for the Metropolis outside the City of London under the Artisans and Labourers Dwelling Act of 1875. Under several Acts of Parliament it controlled the height and frontage line of buildings. For its system of building control it divided London into 67 districts and had a staff of surveyors acting under its architect.

But the Board had irremediable weaknesses. Indirectly elected, it had no power to compel the smaller negligent or recalcitrant authorities within its area to carry out their duties. It was under no supervision by the central government. In spite of the important work which it carried through, it was only one among many authorities in the London area. The Metropolitan Asylums Board was established in 1867 to deal with poor-law patients, and later to provide infectious disease hospitals and others for non-pauper patients. In 1870 the London School Board, and in 1872 the Port of London Sanitary Authority, were started. The minor authorities, the vestries and district boards, had neglected duties which were more important than those which they performed. They were responsible for paving, watering, cleansing, and lighting London streets. In twenty-five years they had completely changed the face of the metropolis, but though the general results were fairly good, the variations of price and of principle were almost infinite. In 1880 there were four authorities with a right to tear up the streets: the Metropolitan Board, for arterial drainage; the vestries for minor drainage; the gas companies; and the water companies. Each of them was practically irresponsible. Little interest was taken by any of the authorities in the regulation of baths and wash-houses, public libraries, common lodging houses, mortuaries, or provision for disinfection.

This condition of "sordid anarchy" was not reformed

until 1888. "The local government of London," Mr. Gladstone told the House of Commons, "is, or if it is not, it certainly ought to be, the crown of all our local and municipal institutions." But the City strenuously obstructed any attempt to absorb it into the general movement of London; the reform, when it came, was not untinged with political prejudice. There was in Parliament a reluctance to create a great elected council for the capital. There was in the Conservative Party a fear that the Radical interests might use a great London council to disseminate their views and to practise their principles. So, in 1888, the new London County Council was given only the area of the Metropolitan Board of Works and only a few additions to its powers, while in 1899 when the minor authorities were reorganised within its area, everything was done to make them a political and administrative counterweight to the possible prestige of a reforming London County Council.

The Local Government Act of 1888 provided that the area of the Metropolitan Board of Works should be an administrative county called the Administrative County of London, and that such portions of this new county as formed parts of Middlesex, Surrey and Kent should be carved out of those counties and form a separate county for all non-administrative purposes, e.g., for Quarter Sessions, Justices of the Peace, Coroners, etc. Within the new administrative county the new London County Council of 124 members, directly elected every three years, and 20 aldermen elected for six years, one-half retiring every three years, was to be responsible for main drainage, main roads, tramways, the fire brigade, the embankment of the river and flood prevention, parks and open spaces, streets and frontage lines. These were the powers of the passing and unlamented Board of Works. The principal new powers which the London County Council acquired were the right to oppose bills in Parliament, to appoint a staff of medical officers and to contribute to the

maintenance or enlargement of highways, even though they were not main roads. The Metropolitan Asylums Board, the School Board, the Guardians, the Burial Boards, the Thames and Lee Conservancy Boards, the Metropolitan and City Police Forces remained. The organisation and powers of the vestries and district boards were hardly touched, the only change being that the L.C.C. could pay half the salaries of their medical officers of health and bear the cost of their roads and part of the cost of their minor streets and footpaths. The City, in the words of A. G. Gardiner, the historian of the Progressive Movement, remained "a sort of obsolete appendix at the centre." Jonah had not swallowed the whale, nor had the whale yet digested Jonah.

The first elections to the new London County Council were ostensibly conducted on non-party lines with the slogan "No politics in municipal affairs." But the Liberal Party played a great part in the contest, and the Earl of Rosebery was elected as one of the City's representatives. *The Times*, of the 23rd January, 1889, said that "the majority appeared desirous of throwing off the non-political mask and of proclaiming their adherence to the Radical Party." The two parties, the Progressive and the Municipal Reformers, quickly developed party government at County Hall along parliamentary lines. Lord Rosebery, the first chairman, said in 1889, "There has been a dead set against us by the public and the majority of the Press." He warned the Council in 1890 that though "in some respects, London is one already . . . the Corporation and privileges of the City are maintained intact . . . In the fullness of time the Metropolis will be one—one in all respects. It will not be easy to solve that great problem . . . to mingle the pomp and slendour of the City with the simple democracy of our body, to sew the purple of the City and the linen of the County Council together, but in any case it is not our work." The predominance of the Progressive Party from 1889 to 1907 was not unconnected with the creation of the

Metropolitan Boroughs by the Act of 1899. The general dissatisfaction with the 5,000 vestrymen who, for the most part, practically elected each other, was focused in 1897 when Kensington and Westminster, the two wealthiest parishes in London, sought to acquire the status of boroughs under the Municipal Corporations Acts, 1835. In 1899, Mr. Balfour's Bill to deal with the minor authorities within the administrative county sought to emphasise their independence. The 28 districts into which the county was divided followed the lines of the old vestries. The 28 Metropolitan Borough Councils created by the Act of 1899 vary greatly in area, population and wealth. The Councils consist of a Mayor, Aldermen and Councillors. The councillors are elected every three years; the aldermen, who number one-sixth of the number of councillors, are elected for six years, one-half retiring every three years. Mr. Asquith opposed the Bill as a scheme "to surround and buttress the unreformed City with a ring of sham municipalities." The metropolitan boroughs were given the same powers of promoting and opposing bills in parliament as a county borough. It was not unfairly said that the Act had created 29 Birminghams instead of one London.*

It is time now to consider the third London—Greater London of the Metropolitan Police area, to which we referred on page 172. The area of the Administrative County is the core of Greater London. Between its boundary and the boundary of the Metropolitan Police area there lies an outer ring in which the system of government is the system of counties, borough and district councils common to the whole of England and Wales outside the Administrative County of London. But the economic and social reality which is the London we could identify from the air has flowed like a great spill of ink over the whole of Greater London and beyond. The following table gives the essential figures:

*The London Government Act, 1939, consolidated the statutes relating to the structure of the L.C.C. and the metropolitan boroughs.

POPULATION OF GREATER LONDON, 1861-1931

000's OMITTED

	1861	1871	1881	1891	1901	1911	1921	1931
County ..	2,808	3,261	3,830	4,228	4,536	4,522	4,481	4,397
Outer Ring	414	624	936	1,406	2,045	2,730	2,996	3,807
Total ..	3,222	3,885	4,766	5,634	6,581	7,252	7,477	8,204

Between the establishment of the Metropolitan Board of Works in 1855, and the London County Council in 1888, the population of the area had increased by about 50 per cent., while at the same time the population of the outer ring had trebled. Between 1888 and 1931 the population of the administrative county began to decline from the beginning of the century, while the population of the outer ring has more than doubled again. Roughly, whereas the population of the area controlled by the London County Council has barely doubled itself since 1850, the population of the outer ring has increased ten-fold. The causes of this change are obvious enough—the change in methods of transport which the internal combustion engine and electricity have brought about. But it has created a problem of local government hitherto no parliament has attempted to solve. Greater London is more one community today than were the parochial areas and villages which formed the metropolis of 1855. The tramways, the buses, the electric railway and the motor car, the telephone, the rise of big stores and great central institutions have increased the unity. The development of transport facilities has meant that a swarming population has destroyed the meaning of the old administrative areas. The movement of people from inner to outer London creates a no man's land where residential property decays into slums and private greed can put the mark of the beast upon the countryside. Six types of locality may be distinguished: (1) densely congested central areas with modern office buildings,

where street widening may cost £2,000,000 a mile; (2) similar, but less-prosperous congested areas, e.g., in the neighbourhood of Billingsgate; densely populated slum areas, as in Bethnal Green, West Ham and Shoreditch; (3) residential suburbs laid out sixty years ago or more with old-fashioned houses and spacious gardens, where there is an increasing demand for modern flats which would accommodate a population of 200 per acre in place of the present 5 or 6; (4) the suburban fringe where buildings are creeping over market gardens, farms and private parks, e.g., in 1905, the fringe in north-west London had reached Hampstead, and in 1935 building had extended continuously for six miles and swallowed up Hendon and Edgware; in East London, building development has in the same period extended through Ilford and Romford to Gidea Park, and in south-west London from Streatham to Cheam; (6) the rural belt itself. As one authority has said, "after a time the balance of advantage in favour of continued growth around the fringe of a growing town begins to diminish." It is time for a belt of land or a chain of open spaces to be reserved. Throughout the whole of the area of Greater London there has been unguided growth with no town planning. Mushroom suburban towns have sprung up along the lines of communication where the cost of travel was lowest. Vast conglomerations of working people have been housed cheaply and badly in narrow streets. In the great belt of suburban districts there are alternative cities of the rich and cities of the poor; Wimbledon and West Ham, Richmond and Tottenham, Chislehurst and Leyton.

After the war of 1914-18 the London County Council represented to the Ullswater Commission on London Government that the area of the administrative county bore no relation to the areas which would be required for the administration of transport, housing, health, fire, drainage and education. As early as 1906, and many times since,

reports on London traffic had stated that traffic could only be dealt with effectively if the area under one authority went beyond the boundaries of the administrative county. In 1920 a committee on unhealthy areas appointed by the Ministry of Health reported that public health, town planning and housing needed to be dealt with as one problem by a Greater London authority which might have to include the whole of the Home Counties. There was no one authority responsible for the development of the dock and riverside roads as a single system. But in 1921-23, the London County Council were unable to suggest what area would be appropriate for a new and enlarged authority; nor was there any agreement about the size or structure of the subordinate authorities into which the large area would need to be divided. The London area is an example of one of the radical problems of local government in an industrial and scientific age: the areas suitable for the efficient performance of different services do not coincide. For drainage it may be one, for transport another, and for education yet a third. If responsibility for the running of particular services is delegated to special *ad hoc* authorities, the elected general authority is deprived of the power and the prestige which might attract the public interest and the abilities needed to give it a vivid political life. The London County Council, since 1888, has been given the educational powers of London School Board (in 1902), the powers of the Boards of Guardians (in 1929), but it is still without many of those powers which give the great provincial cities their status in the public eye. Since 1929 the Metropolitan Police have been directly under the Home Office. In 1908 a separate indirectly-elected body, the Port of London Authority, took over the docks. In 1933, the London Passenger Transport Board was established to control the underground, bus and tramway services in Greater London and beyond. The water supply is controlled by another indirectly-elected authority, the Metropolitan Water Board.

Recently, the problem of London has again been considered, this time by the Barlow Commission on the Distribution of the Industrial Population (1940). London, it said, is probably the largest port and distributing centre in the world and, setting aside questions of municipal boundaries, it is generally accepted as the largest conurbation in existence. In addition to the square mile of the City, which had in 1931 a resident population of only 10,580 and the Administrative County of 117 square miles with a population in 1931 of 4,405,000, there were: Greater London, 693 square miles, which had in 1937 a population of 8,655,000; the Greater London Regional Planning Area covering approximately 1,820 square miles; the London Passenger Transport Area of approximately 2,000 square miles and with a population of approximately 10,000,000. Although the area of Greater London was nearly six times as extensive as the area of the administrative county, it was not coincident with the conurbation which is London. As early as 1911 a report of the London Traffic Branch of the Board of Trade reported that the distance to which the metropolitan influence extends was at least 30 miles from the centre. Today, on the east, the London conurbation stretches as far as Southend on the north bank of the Thames and Sheppey on the south. The industrial towns of south Bedfordshire owe their rapid development to their proximity to London. Its influence pervades the whole of the Home Counties: London, Essex, Hertfordshire, Kent, Middlesex, Surrey, Buckinghamshire, and Bedfordshire, which have a combined area of 5,978 square miles, or rather less than 7 per cent. of the total area of Great Britain and 25.7 per cent. of the population. The essential figures are:

	Population in 1801		Population (estimate) in 1937	
	Number	Per cent. of G. Britain	Number	Per cent. of G. Britain
Inner London ..	958,791	9.1	4,094,500	8.9
Greater London ..	1,114,644	10.6	8,655,000	18.8
London and Home Counties	1,891,678	18	11,842,790	25.7

Until 1901 the population, both of inner and outer London, had shewn an increase at each census since 1851, the total increase in those 50 years in inner London being nearly 2,200,000 and in outer London about 1,700,000. The great change in the distribution of population during the last 20 years is that the population of inner London has shewn a slight decrease, and that the population of outer London continued to increase between 1901 and 1911 by nearly 700,000 and between 1911 and 1921 by over 260,000. From 1901 to 1921 the population lost by inner London was greater than the population gained by the outer ring. Large numbers of migrants from London were going further afield than outer London, many overseas and to industries in the provinces. But from 1921 to 1937 the emigration from inner London was insufficient to account for the gains of outer London. Besides the outer movement of population from inner London there has been an inward movement of population from the rest of the country towards London. Much of these two movements has met and merged in outer London; but some of the outward flow has spread beyond the boundary of Greater London and some of the inward flow has stopped short of that area. In the Home Counties as a whole, in the zone between the boundary of Greater London and the outer boundary of the Home Counties, there has been a gain of 251,000 in 1921-31 and 254,000 in 1931-37.

Since 1918 the industrial population of London has grown faster than the total population, and faster than the industrial population of the country as a whole. The causes are obvious enough. London, as the centre of national administration, a focus of finance and commerce and the greatest distributing centre in the country, has a large number of employees who are serving the country as a whole and draw their purchasing power from the rest of Great Britain. This gives London an attraction as a market and distributing centre for consumer industries.

The concentration of population in the London conurbation has been accompanied by a severance of the place of work from the place of residence. As in a great heart there is a systole of the population towards inner London in the morning and a dystole throughout Greater London in the later evening. The Census of 1921 showed that out of a total of about 2,685,000 persons working in the county of London, 608,000, or 22.6 per cent., came from without the county, 475,000 from outer London and 133,000 from beyond. So from the traffic standpoint alone, there is need for effective town planning. But there are 77 separate planning authorities in Greater London, and in the larger London Passenger Transport Board area there are 133.

The Ullswater Commission in 1923 rejected the proposal of the London County Council that there should be a new executive authority for an area which should not be smaller than Greater London and recommended that a statutory committee "should be set up to advise the appropriate Minister upon questions affecting London and a large surrounding area in relation to (*a*) transport; (*b*) town planning; (*c*) housing, and (*d*) main drainage. This was not done. The problem of the planning of the area might be simplified if there were a Greater London municipal authority for the larger functions of local government. But these, traffic, housing, drainage and town planning are closely interrelated and to deprive the general authority for an area of these services would do much to enfeeble its status. There is, however, a large body of opinion which favours the establishment of an *ad hoc* authority for planning, though this would hardly appeal to the London County Council.

In 1927 a Greater London Regional Planning Committee, representative of all the planning authorities within the London Traffic Area, was set up. The committee has approved the suggestion that a Regional Planning Authority with executive powers should be established for Greater

London. After the Town and Country Planning Act, 1932, a new committee was constituted in 1933 to which local authorities were free to delegate their planning powers. This came to an end in 1936 without having achieved anything. In 1937 a Standing Conference on Regional Planning was established to deal with the planning of the area on an advisory basis. In 1940 the Barlow Report said, "Short of direct responsibility for the planning of the area being laid upon a Department of the Central Government, action would appear to rest between two alternative courses, viz., re-organisation of local government in the area so as to secure the introduction of a comprehensive authority which, *inter alia*, would be responsible for the planning of the whole area, or the establishment of a special planning authority with executive powers, including power to precept on the rating authorities." The Local Government Boundary Commission, which it is proposed to establish, will have no power to deal with the boundaries of the County of London. In the words of the White Paper (Cmd. 6579), "an issue of this magnitude —which might well involve the creation of a local government area comprising something like one-fifth of the whole population of England and Wales, the disappearance of the County of Middlesex as an administrative unit, and heavy inroads into three or four other counties—is not a matter which could be entrusted to a body of Commissioners, however authoritative. It would have to be the subject of special legislation. Moreover, the government are not satsified that the present time is opportune. Several county councils and other local authorities in and around London are at present engaged in recasting their education services and will shortly be confronted with other similar tasks. It would, in the view of the government, be a mistake to interrupt those tasks by throwing into the melting pot the whole problem of London and the Home Counties." In the County of Middlesex, the Commissioners will not have power to entertain applications

for county borough status from authorities in the county. The whole county is of an urban character. If a process of creating county boroughs were initiated the whole county would be resolved into such and the county government would disappear.

Within the Administrative County of London an authoritive body may be appointed by the government to inquire into and advise on the areas of the boroughs and the allocation of functions between the borough councils and the county council. The Local Government Act, 1929, enabled the Ministry of Health to transfer functions from the county council to the metropolitan borough councils or to provide for the exercise of powers by the latter as agents for the county council. Two Orders have been made under this power. But there is no power under the existing law to alter the boundaries of the metropolitan boroughs or the City. "The war itself," says the White Paper, "has brought into prominence the functions of the metropolitan borough councils in the matter of civil defence, and the importance of the local 'Town Hall' as a centre of local effort and enthusiasm. The success with which metropolitan borough councils, no less than the London County Council, have carried out their civil defence and other wartime functions, often in circumstances of great difficulty and danger, is deserving of every recognition; but the very urgency and importance of the work has emphasised the anomaly of dividing London into no less than 29 separate areas differing enormously in size and population. Moreover, the problems not only of civil defence but of reconstruction, have made it clear that a reconsideration of the allocation of functions between the boroughs and the county is overdue."

For civil defence purposes, the Metropolitan Police Area was, with slight adjustments, taken as the area for the London Region. The whole area was divided into nine groups, of which five were in the Administrative County and four in

the Outer Ring. The City and the Metropolitan Boroughs were grouped into the five inner groups, of which three were north of the river and two south, so as to provide convenient areas for the group officers and their special staffs. The groups, both in inner and outer London, worked independently under the Regional Headquarters and only called on the Region for help when in the emergency of the raids their requirements exceeded their resources. Each of the 28 Metropolitan Boroughs in the County of London was a separate scheme-making authority for A.R.P. purposes, and the London County Council were specially responsible for the provision of ambulance services, rescue party services and fire service. The London Region, for the purpose of war, has little relevance to the problems of peace. The area is too small for the regionalism which is suggested by those who wish to adjust the structure of English local government to the conditions created by modern industry and transport. If, however, it were adopted it has been suggested that the nine A.R.P. groups might be the embryo of the nine electoral districts of a London Regional Council. One obvious fact of London government was further pointed by the war: the inequality of the financial resources among the 28 metropolitan boroughs. A report of P.E.P. in 1941 noted that Westminster and Kensington had been noteworthy for the high standard of their civil defence arrangements, while Stepney has been as noteworthy for its failures. The Ministry of Home Security was even forced to divest the Stepney Council of its A.R.P. powers. Although Poplar and Bermondsey were magnificent as a general rule, the wealthier authorities were found to have secured a higher quality of personnel because they could pay higher salaries. For problems of special urgency created by the bombing it was necessary to appoint special commissioners to galvanise the welter of authorities within the area of London Region into effective action: Mr. Willink for the care of the "homeless,"

and Sir Warren Fisher for the clearance of debris, co-ordination of road repair, public utility services, and the salvage of building materials and commodities.

BIBLIOGRAPHY

Even a select bibliography would cover many pages. What follows is a list of the books on which this short history has been based. They will all of them be useful to the general reader or the student.

GENERAL (*a*)—BEFORE 1832

Webb, S. and B.: *The Parish and the County.*
The Manor and the Borough, 2 vols.
Statutory Authorities for Special Purposes.

These four volumes are part of the *English Local Government* history written by the Webbs. Chapters V and VI of the *Statutory Authorities for Special Purposes* give a succint summary of the changes in English Local Government between 1689 and 1835.

There is a brief survey of the nature of English Local Government before 1834 in Chapter I of Jennings, W. I., *Principles of Local Government Law*, 2nd edition.

(*b*)—AFTER 1832

General surveys are given in:

Finer, H.: *English Local Government.*

Laski, H. J.: Jennings; Robson, W. A.: *A Century of Municipal Progress.* This has also a good bibliography.

Redlich, J. and Hirst, J. W.: *Local Government in England*, 2 vols. A standard work, but out of print.

Robson, W. A.: *The Development of Local Government.*

Report of the Royal Commission on London Government, 1923, Cmd. 1830.

Reports of the Royal Commission on Local Government, 1925-29, Cmd. 2504, 3213, 3436.

The minutes of evidence of these reports contain valuable material for the student.

SPECIAL STUDIES—

POOR LAW

Webb, S. and B.: *English Poor Law History*, Part II. The Last Hundred Years, 2 vols. Chapters 1 to 3 of vol. 1 give the history of the Local Government Board.

Jennings, W. I.: *The Poor Law Code.*

Clapham: *An Economic History of Modern Britain.* Vol. 1 summarises the economic background.

PUBLIC HEALTH

Bannington, B. G.: *English Public Health Administration.*

Newman, G.: *An Outline of the Practice of Preventive Medicine.*

Sherwood Taylor, F.: *A Century of Science.* Chapters 3 and 4 give a concise statement of the changes in sanitary and medical science.

Simon, John: *English Sanitary Institutions.*

Report of the Royal Commission on the Distribution of the Industrial Population, 1940, Cmd. 6153. Chapter 5 has a useful summary of health statistics.

A National Health Service, 1944, Cmd. 6502. A statement of government policy.

EDUCATION

Selby-Bigge, Amherst: *The Board of Education.*

Dent, H. C.: *The Education Act*, 1944.

HIGHWAYS AND TRANSPORT

Webb, S. and B.: *The Story of the King's Highway.*

Sherwood Taylor, F.: *A Century of Science.* Chapter 2 has a useful summary of the revolutions in transport.

HOUSING AND TOWN PLANNING

Gibbon, G.: *Problems of Town and Country Planning.*

Jennings: *The Law relating to Town and Country Planning.*

Report of the Royal Commission on the Distribution of the Industrial Population, 1940, Cmd. 6153.

REGIONALISM

Regional Government, by "Regionaliter" (Fabian Society).

Report of the Royal Commission on the Distribution of the Industrial Population. Chapter XV.

Local Government in England and Wales during the period of Reconstruction, Cmd. 6579.

LONDON

Robson: *The Government and Misgovernment of London.*

Morrison, H.: *How Greater London is Governed.*

Haward, Sir Harry: *The London County Council from Within.*

Firth, J. F. B.: *London Government and How to Reform It* (in *Local Government and Taxation in the United Kingdom*), published under the sanction of the Cobden Club, edited Probyn, J. W., 1882.

FINANCE AND RATING

Cannan: *History of English Local Rates.*

Webb, S.: *Grants in Aid.*

Hicks, J. R. and U. K.: *The Incidence of Local Rates in Great Britain.*

Report of the Royal Commission on Local Taxation, 1901, Cd. 638.

Report of the Departmental Committee on Local Taxation, 1914, Cd. 7315.